



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

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VICTOR HOLANDA, AICP
DIRECTOR

DATE: JULY 10, 2006
TO: SUBDIVISION REVIEW BOARD
FROM: JAMES CARUSO, SENIOR PLANNER
SUBJECT: CONTINUED HEARING FOR CO04-0319 (HOLMAN - SUB2003-00307)

RECOMMENDATION

1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. .
2. Approve Tentative Parcel Map CO05-0319 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.
3. Deny the Road Adjustment request based on the Findings in Exhibit A.

DISCUSSION

This tentative map was first heard at your April hearing. There was extensive public testimony and Board discussion. Your Board continued the hearing to this date and asked for additional analysis or clarification of seven issues:

1. Ag Policy 11
2. Flooding info
3. Well/septic separation map
4. Net acreage vs. gross acreage
5. Community water system criteria
6. Ag buffers
7. CDF turnaround

In addition, your Board asked for an exhibit depicting all of the required setbacks and buffers.

Ag Policy 11: This Ag & Open Space Element policy states that water resources for agriculture shall be maintained both in quality and quantity so as to prevent the loss of agriculture due to competition for water with urban and

suburban development. The Element further states that the policy is meant to strongly promote agricultural uses.

The proposed project well site is located off the site to the south on property designated agriculture and under Williamson Act contract. The well will therefore pump agricultural water to the project and could lead one to determine that the project is not in compliance with this policy. However, it could also be argued that a well located on the project site would also pump the same agricultural water as the underground water basin does not recognize the existence of the land use designations and the village reserve line. It could further be argued that any well in the area would compete with agriculture for the water resource. The proposed Negative Declaration states that the proposed project will utilize approximately 4 AFY. On balance, staff has determined that the project is not inconsistent with this Ag and Open Space policy.

Flooding: A portion of the site is located within the area designated 100 year flood zone. A more detailed study prepared by the applicant's engineer has determined that the 100 year flood would be contained within the banks of the creek. A FEMA map correction would be needed to memorialize this finding.

The applicant has stated that a flood map correction is not needed because the development could be found in conformance with flooding requirements by elevating the finished floor of each new structure above the level of the 100 year storm. According to the applicant, no other determinations need to be made.

At the last hearing, your Board wanted this issue addressed directly by either requiring the flood map amendment or by the requirement to elevate the finished floors to the appropriate elevation. Further, your Board wanted the determination made prior to approval of the tentative map. Instead, the applicant has left the issue in flux.

Well/Septic Separation: The issue of separation between the proposed community well and septic systems as well as other wells and septic systems was raised at the last SRB hearing. The applicant's representative has prepared a map showing the area septic systems and wells (attached).

Net Acreage vs. Gross Acreage: It has been determined that the parent parcel boundaries do not extend to the middle of Cressy St. The revised tentative map depicts the boundaries extending only to the west side of the Cressy Street right of way.

Community Water System: According to information received from the Division of Environmental Health, a state small water system (or community system per the Land Use Ordinance) is defined as a system for the provision of piped water to the public for human consumption that serves at least five but not more than 14 service connections. The proposed tentative map has four service

connections. In order to consider the proposed system a community system, one more connection (for human consumption) is required.

Ag Buffers: The Agricultural Commissioner's Office has established several agricultural buffers around the site. The parent parcel is surrounded by agricultural zoning and/or agricultural uses on three sides. Along with the residential creek setback and the septic system creek setback, the ag buffers greatly constrain the development of the site. The Agricultural Commissioner recommended buffers are

200 feet from the ag designated, contracted land (containing prime soil) to the south. This distance includes approximately 35 feet of the adjoining agricultural property and 50 feet across the Calle Los Colinas right of way to the southernmost point of the property. The buffer distance would form a broad arc in the southeast point of the project site. Starting at the southernmost corner of the site, the buffer distance on the project site would extend 115 feet along the southeast property line and 180 feet along the southwest property line.

- b. 100 feet from the western bank of the branch of Huer Huero Creek.
- c. 200 feet from the adjacent irrigated crop located on APN: 043-062-002. This distance is approximately 170 feet on the subject property. The buffer shall become null and void if future development on adjacent parcel(s) precludes production agriculture." Such a determination shall be made in consultation with the Department of Agriculture.

Turnaround: The proposed project does not require a turnaround.

ATTACHMENTS

- 1. Exhibit A – Findings
- 2. Exhibit B – Conditions
- 3. Revised Tentative Map
- 4. Well/Septic separation map
- 5. Negative Declaration

FINDINGS - EXHIBIT A**Environmental Determination**

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 10, 2005 for this project. Mitigation measures are proposed to address water, wastewater, biological resources, geology and soils and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Single Family land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of subdivision proposed because the proposed parcels contain adequate area for four parcels.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support a primary and secondary dwelling.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the impacts will be mitigated by the proposed building envelopes.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

Road Exception Request

- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.
- J. That there are not special circumstances or conditions affecting the property being subdivided; and

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- K. That the granting of the adjustment will not be detrimental to the traffic circulation system, the public utility and storm drainage systems, or vehicular or pedestrian safety; and
- L. That the granting of the adjustment will not result in any unreasonable costs in the maintenance of the improvement by the entity charged with such maintenance responsibility; and
- M. That the granting of the adjustment will not be detrimental to, nor degrade, any portion of the improvement work involved in the subdivision.

CONDITIONS - EXHIBIT B**Approved Project**

1. This approval authorizes the division of a 4.32 acre parcel into four parcels of 0.76, 0.76, 1.09 and 1.26 acres each.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Cressy Street constructed to a 2/3 A-1 section within a minimum 40 foot dedicated right-of-way fronting the project (minimum paved width to be 18 feet).
 - b. A street constructed to a 2/3 A-1 section from the property to a paved publicly maintained road (minimum paved width to be 18 feet).
3. A private easement be reserved on the map for access to lot 1.
4. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

5. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Grading and erosion control plan for subdivision related improvement locations.
 - e. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - f. Prior to final inspection of tract improvements, the applicant shall retain a County-approved, qualified individual for installation and maintenance of the approved landscape plan. The approved landscape plan shall be implemented prior to final inspection of tract improvements, and the retained individual shall submit a letter to the County Planning and Building Department upon installation of approved shrubs, trees, and irrigation. The applicant and retained individual shall monitor the landscape plan for a period of three years. Annual monitoring reports shall be submitted to the County Planning and Building Department each year until the end of the third year following initial planting; at this stage the retained individual shall submit a final monitoring report. Throughout the lifetime of the project, if any installed shrubs or trees die, they shall be replaced in kind to maintain a reasonably solid landscape screen.

6. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
7. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
8. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works OR
 - b. Document that the regulatory agencies have determined that said permit is not longer required.

Subdivision Improvements

9. During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures:
 - a. Reduce the amount of disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
 - g. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
 - h. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
 - i. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off;

- j. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible;
- k. All PM10 mitigation measures required shall be shown on an additional map sheet and grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
- l. Prior to issuance of grading permit for tract improvements, the applicant shall submit a geologic evaluation of naturally occurring asbestos on the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912. This measure shall be shown on an additional map sheet prior to recordation of the final map.

Drainage

- 10. The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
- 11. Submit complete drainage calculations to the Department of Public Works for review and approval. The calculations shall at a minimum determine the 100 year flood elevation of the project.
- 12. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Wastewater Disposal

- 13. Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system (Parcel(s) 1-4).

Utilities

14. Electric and telephone lines shall be installed .

Design

15. The lot area of each lot shall contain a minimum area of 20,000 sq ft exclusive of area shown for rights of way and any easement that limits the surface use for building construction.
16. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map and on the improvement plans.

Fire Protection

17. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.

Parks and Recreation (Quimby) Fees

18. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

19. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Water

20. Prior to recordation of final map, the applicant shall apply for and obtain a well destruction permit from the County Environmental Health Division. The well shall be destroyed prior to recordation of the final map.
21. Prior to recordation of the final map, the applicant shall conduct comprehensive water well documentation and testing for each well to the satisfaction of the County Environmental Health Division.

Additional Map Sheet

22. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The

additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

- a. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site and access drive on the project plans.
- b. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- c. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- d. **Prior to recordation of the final map**, the applicant shall show the following agricultural buffers on the final map (or additional map sheet), and as shown in Exhibit C:
 1. 200 feet from the ag designated, contracted land (containing prime soil) to the south. This distance includes approximately 35 feet of the adjoining agricultural property and 50 feet across the Calle Los Colinas right of way to the southernmost point of the property. The buffer distance would form a broad arc in the southeast point of the project site. Starting at the southernmost corner of the site, the buffer distance on the project site would extend 115 feet along the southeast property line and 180 feet along the southwest property line.
 2. 100 feet from the western bank of the branch of Huer Huero creek.
 3. 200 feet from the adjacent irrigated crop located on APN: 043-062-002. This distance is approximately 170 feet on the subject property. The buffer shall become null and void if future development on adjacent parcel(s) precludes production agriculture." Such a determination shall be made in consultation with the Department of Agriculture.
- e. Only non-habitable structures such as garages, barns, or storage facilities shall be allowed within the agricultural buffer areas.
- f. The limits of inundation from a 100 year storm over lots 1-4 from the west branch Huer Huero Creek shall be shown on the additional map and note the required building restriction in the on the sheet.
- g. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
- h. Prior to issuance of a demolition permit, and if utility pipelines are scheduled for removal or relocation, the applicant shall comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD; 2) asbestos survey conducted by a Certified Asbestos Inspector, and; 3) applicable removal and disposal requirements of identified asbestos containing materials. Please contact Tim Fuhs of the APCD Enforcement Division at 781-5912 for further identification. This measure shall be shown on an additional map sheet prior to recordation of the final map.
- i. Developmental burning shall be prohibited unless the applicant obtains a burn permit from the Air Pollution Control District and California Department of Forestry/County Fire (CDF). If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912. This

measure shall be shown on an additional map sheet prior to recordation of the final map.

- j. Prior to issuance of building permits, the applicant shall demonstrate compliance with the following measure. This measure shall be shown on an additional map sheet prior to recordation of the final map. If you have any questions, please contact Tim Fuhs of the APCD Enforcement Division at 781-5912. Under APCD Rule 504 only APCD-approved wood burning devices shall be installed in new dwelling units. These devices include:
 - i. All EPA-certified Phase II wood burning devices;
 - ii.. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-certified but have been verified by a nationally-recognized testing lab;
 - iii.. Pellet-fueled woodheaters; and,
 - iv. Dedicated gas-fired fireplaces.

Kit Fox

- k. Prior to issuance of grading and/or construction permits, or conducting any grading associated with map recordation, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
 - i. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
 - ii. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
 - iii. Prior to or during project activities, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U.

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S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

iv. In addition, the qualified biologist shall implement the following measures:

- a. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - 1) Potential kit fox den: 50 feet
 - 2) Known kit fox den: 100 feet
 - 3) Kit fox pupping den: 150 feet
- b. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
- c. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

- i. Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation, the applicant shall clearly delineate as a note on the project plans, that: "Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

In addition, prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map recordation, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

- m. During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- n. Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- o. During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- p. During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- q. During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- r. Prior to, during, and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- s. During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any

such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

- t. Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
 - i. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
 - ii. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Contact Information

California Department of Fish and Game
ServiceCentral Coast Region Ventura Field Office
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife
Ventura Field Office
2493 Portola Rd; Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Dept of Planning and Building
County Government Center
San Luis Obispo, CA 93408
ATTN: Julie Eliason
(805) 781-5029

- u. Prior to issuance of grading permits for both tract improvements and future development of each parcel, the applicant shall install temporary construction fencing a minimum of 25 feet from the top of bank as identified on the Vesting Tentative Parcel Map 2CO05-0319. The use and storage of any construction equipment, materials, and excavated and imported soils shall not be allowed outside of the construction fencing. The fencing shall remain in place until final inspection of the building permit.
- v. Secondary dwellings are not allowed.

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Water System

23. The proposed project must construct a small community water system.
24. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

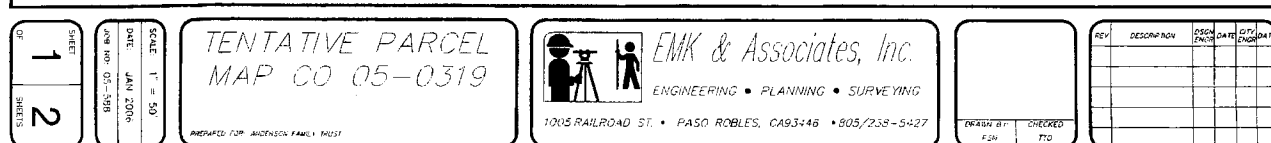
STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING COMMUNITY WATER AND SEPTIC TANKS

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal, until public sewers may become available.
7. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
8. For parcels created with approved community (public) water but no community sewers, the approved on-site sewage disposal systems shall be designed, where feasible, for ease in ultimate sewerage.
9. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the

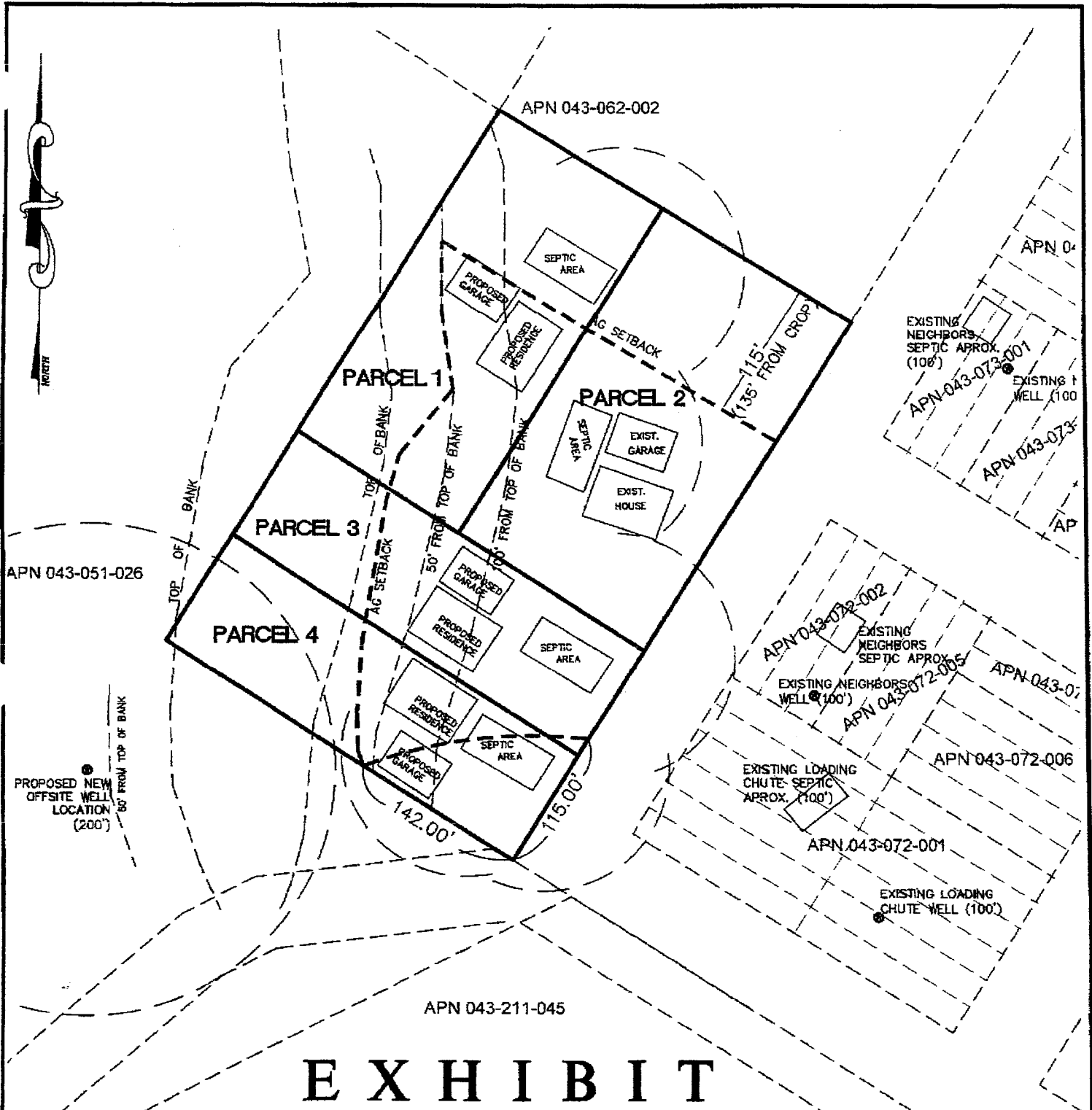
year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.

10. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning and Health Departments for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for on-site subsurface sewage disposal.
11. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
12. An encroachment permit be obtained from the California Department of Transportation for any work to be done on the state highway.
13. Any existing reservoir or drainage swale on the property shall be delineated on the map.
14. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
15. Required public utility easements be shown on the map.
16. Approved street names shall be shown on the map.
17. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
18. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
19. Any private easements on the property shall be shown on the map with recording data.
20. All conditions of approval herein specified, unless otherwise noted, are to be complied with prior to the filing of the map.
21. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
22. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
23. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees shall be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

1.18



1.21



EXHIBIT

SHOWING EXISTING AND PROPOSED WELLS AND SEPTIC AREA;
EXISTING AND PROPOSED RESIDENCES AND GARAGES; AG
SETBACK LINES; TOP OF BANK OF W. BRANCH HUERO HUERO
RIVER; 50' SETBACK FROM TOP OF BANK (RESIDENCES AND
PROPOSED WELL); 100' SETBACK FROM TOP OF BANK
(SEPTICS)

PREPARED FOR: STEVE HOLMAN
PREPARED BY: EMK & ASSOCIATES, INC.
1005 RAILROAD STREET
PASO ROBLES, CA 93446
(805) 238-5427

NEW WELL MUST BE 200' FROM SEPTICS
NEW SEPTICS MUST BE 100' FROM WELLS
NEW SEPTICS MUST BE 100' FROM TOP OF BANK
NEW RESIDENCES MUST BE 50' FROM TOP OF BANK

JOB NO. 05-588

MAY 10, 2006 5-19-06 REVISED

NOT TO SCALE

22-1



COUNTY OF SAN LUIS OBISPO

MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (jc)

ENVIRONMENTAL DETERMINATION NO. ED04-028

DATE: April 14, 2005

REVISED: November 10, 2005

PROJECT/ENTITLEMENT: Anderson Tract Map SUB2003-00307 TR04-2598

APPLICANT NAME: Anderson Family Trust
ADDRESS: PO Box 187 Creston, CA 93432
CONTACT PERSON: Andy Anderson

Telephone: (805) 237-9441

PROPOSED USES/INTENT: Request by the Anderson Family Trust to revise the previous request to allow for a subdivision of an existing 4.32-acre parcel into six parcels ranging from 0.49 to 1.08 acres to: **1) allow for a subdivision of an approximate 4.32-acre parcel into four parcels of approximately 1.07 acres** each for the purpose of sale and/or development of each proposed parcel. Proposed off-site road improvements to Cressey Street remain, and overall disturbance of approximately 3.7 acres is still proposed.

LOCATION: The proposed project is located at 6393 Cressey Street, immediately north of Fourth Street, approximately 350 feet northwest of Highway 229, in the community of Creston, within the El Pomar planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: Air Pollution Control District, Environmental Health, California Department of Fish and Game, State Water Resources Control Board

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 5 p.m. on November 24, 2005

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ Lead Agency
☐ Responsible Agency approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency



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San Luis Obispo County
Department of Planning and Building
environmental division

ENVIRONMENTAL DOCUMENT FILING FEE FORM

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo

Date: November 10, 2005

County: San Luis Obispo

Project No. CO 05-0319

Project Title: Anderson Vesting Tentative Parcel Map

Project Applicant

Name: Anderson Family Trust

Address: PO Box 187

City, State, Zip Code: Creston, CA 93432

Telephone #: (805) 237-9441

Please remit the following amount to the **County Clerk-Recorder:**

() Environmental Impact Report	\$ 850.00
(X) Negative Declaration	\$ 1250.00
() County Clerk's Fee	\$ 25.00
Total amount due:	\$1250.00

AMOUNT ENCLOSED: _____

Checks should be made out to the "County of San Luis Obispo". Payment must be received by the County Clerk, 1144 Monterey Street, Suite A, San Luis Obispo, CA 93408-2040, within two days of project approval.

NOTE: Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.

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**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Anderson Parcel Map; SUB2003-00307 CO 05-0319 ED04-028

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input checked="" type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

James Casuso
Prepared by (Print)

James Casuso
Signature

11-8-05
Date

John Nall
Reviewed by (Print)

John Nall
Signature

Ellen Carroll,
Environmental Coordinator
(for)

11/8/05
Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by the Anderson Family Trust for a Vesting Tentative Tract Map to subdivide an existing 4.28-acre parcel into four parcels of 1.07 acres each for the purpose of sale and/or development. The project includes off-site road improvements to Cressy Street. The project would result in the disturbance of approximately 2.5 acres of a 4.28-acre parcel. The division will not create any new roads. The proposed project is within the Residential Single Family land use category, and is located on the west side of Cressey Street (at 6393 Cressey Street), immediately north of Fourth Street, approximately 350 feet northwest of Highway 229, in the community of Creston, within the El Pomar planning area.

ASSESSOR PARCEL NUMBER: 043-071-001

SUPERVISORIAL DISTRICT # 1

B. EXISTING SETTING

PLANNING AREA: El Pomar

LAND USE CATEGORY: Residential Single Family

COMBINING DESIGNATION(S): Flood Hazard

EXISTING USES: Single family residence

TOPOGRAPHY: Nearly level

VEGETATION: Grasses, barley, cottonwood trees, valley oak trees, willows

PARCEL SIZE: 4.28 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Agriculture; Residential Single Family/ livestock grazing, grain crops, residences	<i>East:</i> Residential Single Family; Commercial Retail/ residences, restaurant
<i>South:</i> Agriculture; Residential Single Family/ livestock grazing, grain crops, residences	<i>West:</i> Agriculture/ livestock grazing, grain crops

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C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Create glare or night lighting which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	<i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located at 6393 Cressey Street, approximately 350 feet northwest of Highway 229, as shown in Figures 1 through 3. The project site is nearly level, and supports grasses, forbs, and cottonwood trees. The West Branch of the Huerhuero Creek traverses the northwestern portion of the parcel. Existing development onsite consists of one single-family residence, garage, driveway, fencing, and landscaping. The surrounding area is characterized by rolling hillsides, tributaries to Huerhuero Creek, grazed annual grassland, row crops, patches of oak trees, sparsely scattered single-family residences, and the Village of Creston. The existing residence is obscured from immediate views on Highway 229 by single-family dwellings, a local restaurant, and commercial buildings.

Impact. The applicant proposes to subdivide an existing parcel into four parcels for the future construction of three additional single-family residences. The existing residence located on proposed Parcel 2 would remain (refer to Figure 4). Existing development, including single-family residences, a restaurant, and commercial development obstruct immediate views from Highway 229 of the existing single-family residence and proposed project site. Existing development and sloping topography obstruct distance views from the southbound travel lane of the highway. Future residences on proposed Lots 3 and 4 would be intermittently visible through existing pine and oak trees as seen for approximately 0.5 mile from the distant northbound travel lane of Highway 229. Based on the existing surrounding development, future development would be consistent with the existing development pattern and type within the Village of Creston, and would not result in a significant visual impact.

Mitigation/Conclusion. No significant impacts were identified, and no mitigation is necessary.

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2. AGRICULTURAL RESOURCES*- Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project is located within the Residential Single Family land use category. The southwestern half of the project site (approximately two acres) currently supports dry-farm barley crop. The soil types mapped for the project site are Arbuckle-San Ysidro complex (2-9 percent slopes) and Elder loam, flooded (0-5 percent slopes). The soil classifications for these soil types are Class II(e) irrigated/Class IV(e) non-irrigated and Class II(w) irrigated/Class IV(w) non-irrigated. The project site does not currently support agriculture; however, adjacent properties to the south and northwest are within the Agriculture land use category and support livestock grazing and dry farming. Sixty acres of a ninety-acre parcel to the south are under an Agricultural Preserve contract.

Impact. The proposed project was referred to the County Agriculture Department for review. Implementation of the proposed project would result in the conversion of 2.5 acres of prime agricultural soils to non-agricultural use. The conversion is not considered a significant impact because the project site is located within the Residential Single Family land use category. Based on the close proximity of adjacent agricultural uses, incompatibility conflicts between the agricultural and residential uses would likely occur, including increased liability for adjacent agricultural landowners, increased potential for complaints and land use conflicts, increased likelihood for trespass and harm to crops by either humans or domesticated animals, and a reduced ability to perform necessary agricultural operations in a timely manner (Michael Isensee; October 20, 2004).

Mitigation/Conclusion. To minimize the potential for land use conflicts between future residential uses and adjacent agricultural uses, the applicant has agreed to provide an agricultural buffer on the final map, and install and maintain landscape screening along the northwest and southwest property boundaries of the original parcel (refer to Exhibit C). Only non-habitable uses (i.e., garages, barns, storage facilities, and landscaping) shall be allowed within the buffer area. In addition, the applicant shall provide a copy of the County Right-to-Farm Ordinance to all future landowners and residents. Implementation of these measures would mitigate potential agricultural impacts to less than significant.

3. AIR QUALITY - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

Impact. Implementation of the proposed project would result in the construction of three additional primary residences, and the disturbance of up to 2.5 acres. These activities would result in both short-term vehicle emissions (which helps create ozone) and the creation of dust during construction. In addition, the project will generate up to approximately 28.8 trips/day. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants. The proposed subdivision is located within the Village of Creston, and is consistent with the planning policies listed in the Clean Air Plan.

The proposed project was referred to the County APCD. Based on APCD's review, implementation of the proposed project would result in potentially significant air quality impacts, including the creation of a dust nuisance, the release of air pollutants during demolition and/or movement of structures and pipes, and the release of naturally-occurring asbestos. In addition to these potential impacts, future development is subject to the standard requirements regarding conditional prohibition of developmental burning and use of wood-burning stoves (Jan Downs Vidalin; October 7, 2004).

Mitigation/Conclusion. As required by APCD, the applicant has agreed to implement the following measures. To minimize the potential for the creation of a dust nuisance, the applicant shall implement standard dust control measures during all grading and construction activities. These measures include the use of water to spray down dust, washing wheels of construction equipment, and enforcing speed limits on the project site. In the instance demolition or movement of any structure or pipeline is determined to be necessary, the applicant is required to notify the APCD, conduct an asbestos survey, and comply with applicable Asbestos Control Measures. Prior to recordation of the final map, the applicant has agreed to submit the results of a geologic investigation for naturally-occurring asbestos. If naturally-occurring asbestos is present, the applicant shall comply with the Air Resources Board Air Toxics Control Measure manual, which may include development of an Asbestos Dust Mitigation Plan and Health and Safety Program. In addition to these mitigation measures, developmental burning shall be prohibited (unless permitted by APCD), and only APCD-approved wood-burning devices shall be allowed in new residences. These measures, as listed in

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Exhibit B, shall be shown on an additional map sheet prior to recordation of the final map. Implementation of these measures would mitigate potential air quality impacts to less than significant.

4. BIOLOGICAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a loss of unique or special status species or their habitats?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Reduce the extent, diversity or quality of native or other important vegetation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Impact wetland or riparian habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Grasses and barley crop dominate the proposed project site, and a row of cottonwood trees is located along the right-of-way of Cressey Road. The West Fork of the Huerhuero Creek traverses the southwest portion of the project site.

Special-Status Species and Habitats. Based on the California Natural Diversity Database (CNDDDB; 2004), the project site is located in the vicinity of the following California Native Plant Society (CNPS) List 1B (rare, threatened, or endangered in California and elsewhere) species: dwarf calycadenia (*Calycadenia villosa*), Hardham's evening primrose (*Camissonia hardhamiae*), straight-awned spineflower (*Chorizanthe rectispina*), and shining navarettia (*Navarettia nigelliformis* ssp. *radians*). In addition, one CNPS List 2 (rare, threatened, or endangered in California, but more common elsewhere) species, rayless ragwort (*Senecio aphanactis*). The project site is also located within a vernal pool region. Vernal pools provide potential habitat for the vernal pool fairy shrimp (*Branchinecta lynchi*), a Federally Threatened species.

The CNDDDB also identified this area as important habitat for the San Joaquin Kit Fox, a federally listed endangered species and a state listed threatened species.

Native or Other Important Vegetation. The banks of the West Fork of the Huerhuero Creek supports sparse riparian vegetation and scattered valley oak trees (*Quercus lobata*).

Wetland and Riparian Habitat. The West Fork of the Huerhuero Creek traverses the southwest corner of the project site. The West Fork is a seasonally-intermittent blue-line creek, and surface water is generally only present during and immediately following storm events. The creek supports scattered valley oak trees and sparse riparian vegetation including willows.

Impact.

Special-Status Species and Habitats. The applicant submitted a *Biological Assessment* (Mike McGovern; April 23, 2004) documenting the results of a biological survey conducted on April 22, 2004. Based on the results of the report, no evidence of special-status plant species or vernal pool habitat was observed onsite.

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San Joaquin Kit Fox

A *San Joaquin Kit Fox Habitat Evaluation Form* was prepared by Mike McGovern on April 23, 2004. The evaluation form was reviewed by Bob Stafford of the California Department of Fish and Game. The evaluation, complete with Mr. Stafford's changes, resulted in a score of 48. Based on Mr. Stafford's review of the evaluation form and proposed project, the project would not result in a significant loss of San Joaquin kit fox habitat, however inadvertent harm to the species may occur during future construction activities (Bob Stafford; March 8, 2005).

Native or Other Important Vegetation. The riparian vegetation and scattered valley oak trees within and on the banks of the West Fork of the Huerhuero Creek are located outside areas proposed for development. Implementation of the proposed project would not require the removal of or impacts to the riparian corridor or individual valley oak trees. Inadvertent impacts may occur if construction equipment and associated materials are used or stored outside of areas proposed for future development.

Wetland and Riparian Habitat. Implementation of the proposed project would not require impacts to the West Fork of the Huerhuero Creek, however, inadvertent impacts may occur if construction equipment and associated materials are used or stored outside of areas proposed for future development.

Mitigation/Conclusion.

Special-Status Species and Habitats. Mr. Stafford recommended that specific measures be implemented to effectively mitigate impacts to San Joaquin kit fox (personal communication; March 8, 2005). To prevent inadvertent harm to kit fox, the applicant has agreed to retain a biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table.

Native or Other Important Vegetation. To avoid impacts to sensitive native vegetation within the West Fork of the Huerhuero Creek, the applicant has agreed to install temporary construction fencing along the top of bank, as identified on the Tentative Parcel Map, prior to individual parcel development.

Wetland and Riparian Habitat. Implementation of the proposed project would not require direct disturbance of the West Fork of the Huerhuero Creek, however, inadvertent impacts may occur if construction equipment and associated materials are used or stored outside of areas proposed for future development. Additional measures pertaining to erosion and sedimentation and surface water quality are discussed in Sections 6 (Geology and Soils) and 14 (Water Resources).

5. CULTURAL RESOURCES - ***Will the project:***

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project site is located in an area historically occupied by the Obispeño Chumash and Southern Salinian. A *Phase One Archaeological Surface Survey* (Gibson's Archaeological

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Consulting; May 3, 2004). Based on the results of the survey report, no archaeological or historical resources were observed on the project site, and implementation of the proposed project would not have an adverse impact on any known cultural resources. No significant paleontological resources are known to exist in the area. Impacts to cultural resources are not expected.

Mitigation/Conclusion. Based on the results of the cultural resources report, no significant impacts to cultural resources would occur as a result of the proposed project and no mitigation measures are necessary.

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.

Geology. The topography of the project site is nearly level to gently sloping. The area proposed for

development is outside the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered low to high. No active faulting is located on or in the immediate vicinity of the project site. The project site is not located within a known region area containing serpentine or ultramafic soils. There is no evidence that measures beyond what is required by County Ordinance and the Uniform Building Code are required.

Drainage. The West Fork of the Huerhuero Creek traverses the southwest corner of the project site. The West Fork is a seasonally-intermittent blue-line creek, and surface water is generally only present during and immediately following storm events. The creek flows in a southerly direction through existing culverts under Las Colinas Road (an extension of Fourth Street) approximately 150 feet from the southwestern property boundary. The southwest corner of the project site is located within the 100-year Flood Hazard Zone, as shown in Figure 4. The soil types mapped for the project site are considered moderately-well to well drained.

Sedimentation and Erosion. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility and has a low to high shrink-swell characteristic. Approximately 2.5 acres of disturbance would likely occur during build-out of the proposed subdivision. During grading activities, there is a potential for erosion and down-gradient sedimentation.

Impact.

Drainage. The applicant proposes to locate future residences outside of the 100-year Flood Hazard Zone associated with the West Fork of the Huerhuero Creek. Future septic systems would be located a minimum of 100 feet from the top of bank of the creek, and a minimum of 150 feet up slope from the 100-year Flood Hazard Zone. Pursuant to Section 22.52.080 of the County Land Use Ordinance (Title 22 of the County Code), a drainage plan is required for the review and approval by the County Departments of Public Works and Planning and Building. The plan is required to demonstrate how stormwater flow would be managed such that offsite flow does not exceed historic amounts or result in erosion or flooding. Based on the proposed location of future structures and septic systems, significant drainage and flooding impacts would be avoided, and no additional measures beyond what is required by the County Ordinance and Uniform Building Code are required.

Sedimentation and Erosion. Pursuant to Section 22.52.090 of the County Land Use Ordinance (Title 22 of the County Code), an erosion and sedimentation control plan is required for the review and approval by the County Departments of Public Works and Planning and Building. The plan would be required by ordinance to include both temporary and final measures including, but not limited to, the use of hay bales, straw wattles, silt fencing, jute netting, hydro seeding, or other soil stabilization measures. In addition, the applicant proposes to disturb over one acre of area, therefore a Stormwater Pollution Prevention Plan (SWPPP) is required by the State Water Resources Control Board. The SWPPP is required to include Best Management Practices (BMPs) to avoid the discharge of sediment and any other pollutants into surface water bodies.

Based on the implementation of these required plans, potential impacts would be mitigated to a level of insignificance.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project site is located in an area of predominantly agricultural, residential, and commercial uses. There are no known hazardous waste sites or pipelines underlying or in the vicinity of the project area. The project is not located in an area of known hazardous material contamination and does not propose use of hazardous materials. The proposed project is within a moderate fire severity zone.

Mitigation/Conclusion. The proposed project was referred to the California Department of Forestry/County Fire (CDF) for review. Based on CDF review of the proposed project, no significant fire hazards were identified, and the applicant would be required to comply with standard fire code regulations pertaining to access, fire suppression water storage, and a 10 to 30-foot firebreak (Chad Zrelak; July 21, 2004). No additional measures beyond what is required by the Uniform Fire Code are necessary.

8. NOISE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels which exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact.

Noise Exposure. The proposed project site is located approximately 350 feet west of Highway 229. The topography between the proposed residence site and the road is nearly level to gently sloping. There is existing development including single-family residences, a restaurant, and commercial development between the proposed project site and the highway. Based on the project site's distance from the highway and presence of existing intervening development, exposure to transportation-related noise would not be significant. Exposure to agriculturally related noise would be mitigated by implementation of agricultural buffers as discussed in Section 2 (Agricultural Resources).

Noise Generation. Implementation of the proposed project would potentially result in an increase of five primary residences and approximately 28.8 additional daily traffic trips. Generation of these trips would contribute to the cumulative generation of transportation-related noise in the area. Generation of these trips would not result in a significant level of transportation-related noise.

Mitigation/Conclusion. Based on the size and location of the proposed project, significant impacts related to noise exposure and generation would not occur, and no mitigation measures are necessary.

9. POPULATION/HOUSING - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create the need for substantial new housing in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Use substantial amount of fuel or energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Implementation of the proposed project is not anticipated to significantly induce growth, but would facilitate housing demand. The future development would not displace existing housing or use a substantial amount of fuel or energy to construct and maintain. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project.

Mitigation/Conclusion. Based on the above discussion, no significant population and housing impacts are expected to occur as a result of the proposed project.

10. PUBLIC SERVICES/UTILITIES

- Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project area is served by the County Sheriffs Department, California Highway Patrol and CDF/County Fire as the primary emergency responders. The nearest sheriff station is located at the Templeton substation, approximately 20 miles west of the project site. The closest CDF/County Fire station is located in the community of Creston, approximately one mile from the project site. The project is located within the Atascadero Unified School District. This proposed project, along with numerous others in the area would have a cumulative effect on public services, including police and fire protection, and schools.

Mitigation/Conclusion. Public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to address public services impacts and will reduce the cumulative impact to a level of insignificance. Project-related road improvements will be required as part of map recordation. No other significant project-specific impacts to utilities or public services were identified, therefore no additional measures are considered necessary.

11. RECREATION - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The County Trails Plan does not show a future trail being considered on the subject property and there are no other recreational resources in the near vicinity of the parcel. Implementation of the proposed subdivision would contribute to the cumulative demand for recreational resources. The proposed project was referred to the County of San Luis Obispo Department of General Services Parks Division for review. The Parks Division reviewed the proposed project, and responded with comments stating that the applicant shall pay Quimby and Building Division Fees (Jan DiLeo; October 6, 2004). Quimby and Building Division Fees are required for all

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land divisions, and are applied to the future development of County and community recreational resources such as parks, community active recreation facilities (pool, tennis courts, sports fields, etc.), camping areas, and trails.

Mitigation/Conclusion. Based on the required payment of Quimby and Building Division fees, cumulative impacts to recreational resources would be mitigated to less than significant, and no additional mitigation measures are necessary.

**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project site is currently accessed from Fourth Street and Cressey Street, local roads branching off Highway 229, the main access road through the Village of Creston. Cressey Street is currently unpaved. There is one existing primary single-family residence on the project site. This residence generates approximately 9.6 trips per day.

Implementation of the proposed project would result in the creation of three additional lots, and the construction of up to three additional residences. Each new residence would result in 9.6 trips per day, for a total additional daily trip count of 28.8. This small amount of additional traffic would not result in a significant change to the existing road service levels or traffic safety on any local roads and Highway 229. The proposed project was referred to the County Public Works Department for review. The Public Works Department did not identify any significant traffic impacts (Mike Goodwin; October 12,

2004). Standard road improvements would be required to Cressey Street including paving, and easements would be required to show access to proposed parcels 1.

Mitigation/Conclusion. The applicant will be required to improve Cressey Street and proposed access easements to County standards. Based on the proposed project location, existing and projected acceptable level of service and capacity of local roads, and the referral response from the Department of Public Works, traffic and circulation impacts resulting from the proposed project would be less than significant. Based on the above discussion, impacts are considered less than significant, and no additional measures are considered necessary.

13. WASTEWATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type where the on-site wastewater systems would be placed is Arbuckle-San Ysidro complex. For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the soil's ability to percolate or "filter" effluent, the soil's depth and the slope on which the system is placed. To assure a successful system that meets the Central Coast Basin Plan, additional analysis or engineering is needed when one or more factors exist: the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch); the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or the separation between the bottom of the leach line to bedrock or high groundwater is less than five feet.

Impact. Based on the NRCS Soil Survey, the main limitation of this soil for wastewater effluent is slow percolation. A portion of the project site is located within a floodplain; however, the applicant proposes to site the septic tank and leachfields at least 150 from the edge of the documented 100-year flood hazard zone, and a minimum of 100 feet from the top of bank of the West Fork to the Huerhuero Creek.

Slow Percolation. This characteristic indicates that fluids may percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch. Based on a *Percolation Data Report* (Mid-Coast Geotechnical, Inc.; August 26, 2003) submitted by the applicant, the percolation rates are five minutes per inch in three locations. The proposed project was referred to the County Environmental Health Division for review. The Division issued preliminary approval of the proposed wastewater disposal systems, and stated that comprehensive soil testing is required for each parcel prior to recordation of the final map (Laurie Salo; April 23, 2004).

Flooding/High Groundwater. This characteristic indicates that the soil at this location may be in a saturated condition due to flooding. All future development and their septic systems/leachfields will be located outside of the 100-year flood plain, however high-groundwater may be present. The on-site system needs at least five feet between the bottom of the leach line to the saturated soil (e.g. high groundwater) that contains soil that does not remain in a saturated condition for any length of time. Based on a *Percolation Data Report* (Mid-Coast Geotechnical, Inc.; August 26, 2003) submitted by the applicant, groundwater was encountered at twelve feet below the surface.

Mitigation/Conclusion. Prior to recordation of the final map, the applicant will be required to submit the results of one soil boring and three percolation tests in each proposed leach field location showing adequate percolation rates, depth to bedrock, and depth to groundwater, or plans for an engineered system. Based on implementation of standard requirements, the proposed project would comply with the Central Coast Basin Plan and no additional mitigation measures are necessary.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting.

Surface Water. The West Fork of the Huerhuero Creek traverses the southwestern corner of the project site. This creek flows in a southwesterly direction into a set of existing culverts located under Las Colinas Road, approximately 150 feet southwest of the project site.

Water Supply. There is one existing water well onsite serving the existing residence. The underlying water source for these wells is Paso Robles Groundwater Basin. According to the Annual Resource Summary Report (2005), water levels in the Creston area have increased significantly following several years of higher-than-average rainfall.

Impact.

Surface Water. Implementation of the proposed project would result in grading and soil disturbance for the future construction of an access driveway, three additional residences, and associated improvements. Potential impacts to surface water could result to down-gradient surface water from sedimentation and equipment pollution due to construction equipment and activities run-off.

Water Supply. The applicant is proposing to demolish the existing well, and drill one new well off-site

for use in a small community water system, approximately 150 feet from the southwest property boundary (refer to Figure 4). The new well would serve proposed parcels 1, 2, 3, and 4. As proposed, the project would result in three new parcels, and three additional residences. A reasonable "worst case" indoor water usage would likely be approximately 2.55 acre-feet/year (afy) for additional residential development. Each residence would use approximately 0.85 afy. A substantial portion of indoor water is usually recharged back into the water table through the wastewater system. Concentrated areas of recharge, such as community systems or large detention basins can increase the amount recharged back into the groundwater basin. Individual on-site septic systems recharge back to the groundwater basin at a lesser rate. This estimate does not include water required for landscaping, which would be an additional unknown amount. Approximately 90% of landscape water is typically lost through evapo-transpiration, with approximately 10 percent recharged back into the groundwater table. Implementation of the proposed project would not result in a project-specific impact to available groundwater, but would contribute to the reduction of available groundwater in the region.

Based on preliminary review by the County Environmental Health Division, the applicant is required to apply for a well destruction permit, and destroy the existing well prior to recordation of the final map. In addition, comprehensive water well documentation and testing is required prior to final map recordation (Laurie Salo; April 23, 2004 and October 5, 2004).

Mitigation.

Surface Water. Implementation of an approved erosion and sedimentation control plan including best management practices (BMPs) and pollution prevention measures would reduce potential impacts to surface water to a level of insignificance (refer to Section 6). The plan would be required prior to issuance of a grading permit. In addition, the total disturbance would exceed one acre, therefore the State Water Resources Control Board (SWRCB) requires a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP would include additional BMPs to avoid or minimize pollutant discharge during a rain event.

Water Supply. In addition to standard requirements discussed above and in Exhibit B, the applicant is required to comply with the County's Title 19 (Building and Construction Ordinance, Sec. 19.20.240), which requires the following water-conserving fixtures for domestic use in all new proposed residences: toilets limited to 1.6 gallons/flush; showerheads and faucets limited to 2.75 gallons/minute; spas and hot tubs shall use recirculating systems; and water supply piping shall be installed so each dwelling unit may be served by a separate water meter. Based on implementation of the County Ordinance and compliance with SWRCB requirements, potentially significant water supply and quality impacts would be minimized to less than significant.

15. LAND USE - <i>Will the project:</i>	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be potentially incompatible with surrounding land uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project was reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use (e.g. County Land Use Ordinance, and the El Pomar Area Plan). The proposed parcel map was found to be consistent with these documents. The proposed project is not within or adjacent to a Habitat Conservation Plan area.

The surrounding uses are as follows: North - agriculture/residences and agricultural development; South - agriculture/residences and agricultural development; East - agriculture, residential single-family/single-family residences; West - agriculture/residences and agricultural development. The proposed project is compatible with these surrounding uses because the applicant is proposing a subdivision consistent with surrounding development within the Village of Creston.

Mitigation/Conclusion. No significant land use impacts would occur as a result of the proposed project, and no mitigation is necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with a ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input checked="" type="checkbox"/>	County Parks and Recreation Division	Attached
<input type="checkbox"/>	County Assessor Department	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	No Response
<input type="checkbox"/>	CA Department of Conservation	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Game	Attached
<input checked="" type="checkbox"/>	CA Department of Forestry	Attached
<input checked="" type="checkbox"/>	CA Department of Transportation	No Response
<input checked="" type="checkbox"/>	Utility Companies	In File**
<input checked="" type="checkbox"/>	City of Atascadero	No Response
<input checked="" type="checkbox"/>	Santa Margarita Advisory Council	No Response

** "No comment" or "No concerns"-type responses are usually not attached

The following checked (☒) reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> El Pomar/Estrella Area Plan
<input checked="" type="checkbox"/> County documents	<input type="checkbox"/> South County Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input checked="" type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	
<input checked="" type="checkbox"/> Real Property Division Ordinance	
<input checked="" type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	

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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Gibon's Archaeological Consulting. May 3, 2004. *Results of Phase One Archaeological Surface Survey for the 4 Acre Anderson Parcel.*

McGovern, Michael. April 23, 2004. *Biological Assessment.*

McGovern, Michael. April 23, 2004. *San Joaquin Kit Fox Habitat Evaluation Form.*

Mid-Coast Geotechnical, Inc. August 26, 2003. *Percolation Data Report.*

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Exhibit B - Mitigation Summary Table

Agricultural Resources

AG-1 Prior to recordation of the final map, the applicant shall show the following agricultural buffers on the final map, and as shown in Exhibit C:

- a. 150 feet from the existing dry-land fields including (edge of actively farmed areas, not property lines) to the south.
- b. 100 feet from the property line to the west and 50 feet to the southwest.

Only non-habitable structures such as garages, barns, or storage facilities shall be allowed within the agricultural buffer areas.

AG-2 Prior to recordation of the final map, the applicant shall submit a landscape plan showing the installation of shrubs and trees along the northern, northwestern, and southern, and southwestern property boundaries. The screening shall consist of a variety of drought-tolerant species and shall form a reasonably solid vegetative screen. Existing vegetation along the West Fork of Huerhuero Creek shall be retained to provide screening to the west.

AG-3 Prior to final inspection of tract improvements, the applicant shall retain a County-approved, qualified individual for installation and maintenance of the approved landscape plan. The approved landscape plan shall be implemented prior to final inspection of tract improvements, and the retained individual shall submit a letter to the County Planning and Building Department upon installation of approved shrubs, trees, and irrigation. The applicant and retained individual shall monitor the landscape plan for a period of three years. Annual monitoring reports shall be submitted to the County Planning and Building Department each year until the end of the third year following initial planting; at this stage the retained individual shall submit a final monitoring report. Throughout the lifetime of the project, if any installed shrubs or trees die, they shall be replaced in kind to maintain a reasonably solid landscape screen.

Air Quality

AQ-1 During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures:

- a. Reduce the amount of disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
- h. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain

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at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;

- i. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off;
- j. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible;
- k. All PM10 mitigation measures required shall be shown on an additional map sheet and grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

AQ-2 Prior to issuance of grading permit for tract improvements, the applicant shall submit a geologic evaluation of naturally occurring asbestos on the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912. This measure shall be shown on an additional map sheet prior to recordation of the final map.

AQ-3 Prior to issuance of a demolition permit, and if utility pipelines are scheduled for removal or relocation, the applicant shall comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD; 2) asbestos survey conducted by a Certified Asbestos Inspector, and; 3) applicable removal and disposal requirements of identified asbestos containing materials. Please contact Tim Fuhs of the APCD Enforcement Division at 781-5912 for further identification. This measure shall be shown on an additional map sheet prior to recordation of the final map.

AQ-4 Developmental burning shall be prohibited unless the applicant obtains a burn permit from the Air Pollution Control District and California Department of Forestry/County Fire (CDF). If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912. This measure shall be shown on an additional map sheet prior to recordation of the final map.

AQ-5 Prior to issuance of building permits, the applicant shall demonstrate compliance with the following measure. This measure shall be shown on an additional map sheet prior to recordation of the final map. If you have any questions, please contact Tim Fuhs of the APCD Enforcement Division at 781-5912. Under APCD Rule 504 only APCD-approved wood burning devices shall be installed in new dwelling units. These devices include:

- a. All EPA-certified Phase II wood burning devices;
- b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-certified but have been verified by a nationally-recognized testing lab;
- c. Pellet-fueled woodheaters; and,
- d. Dedicated gas-fired fireplaces.

Prior to recordation of the final map, the following notes shall be included on the second sheet of the final map and shall apply to future construction on the project site:

Biological Resources

San Joaquin Kit Fox

BR-1 Prior to issuance of grading and/or construction permits, or conducting any grading associated with map recordation, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. Prior to or during project activities, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

- d. In addition, the qualified biologist shall implement the following measures:

1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

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- a) Potential kit fox den: 50 feet
 - b) Known kit fox den: 100 feet
 - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
 3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.
- BR-2 Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation, the applicant shall clearly delineate as a note on the project plans, that: "Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.
- In addition, prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map recordation, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.
- BR-3 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- BR-4 Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- BR-5 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-6 During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit

fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

- BR-7 During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-8 Prior to, during, and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-9 During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
- BR-10 Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
 - If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason

BR-11 Prior to issuance of grading permits for both tract improvements and future development of each parcel, the applicant shall install temporary construction fencing a minimum of 25 feet from the top of bank as identified on the Vesting Tentative Tract Map 2598. The use and storage of any construction equipment, materials, and excavated and imported soils shall not be allowed outside of the construction fencing. The fencing shall remain in place until final inspection of the building permit.

Geology and Soils

GS-1 Prior to issuance of grading permits for tract improvements and individual lot development, the applicant shall submit a copy a Stormwater Pollution Prevention Plan (SWPPP) approved by the State Water Resources Control Board. The SWPPP shall be implemented as applicable.

Air Quality

AQ-1 During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures:

- a. Reduce the amount of disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
- h. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- i. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off;
- j. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible;
- l. All PM10 mitigation measures required shall be shown on an additional map sheet and grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

AQ-2 Prior to issuance of grading permit for tract improvements, the applicant shall submit a geologic evaluation of naturally occurring asbestos on the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply

with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912. This measure shall be shown on an additional map sheet prior to recordation of the final map.

- AQ-3 Prior to issuance of a demolition permit, and if utility pipelines are scheduled for removal or relocation, the applicant shall comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHA). These requirements include, but are not limited to: 1) notification requirements to the APCD; 2) asbestos survey conducted by a Certified Asbestos Inspector, and; 3) applicable removal and disposal requirements of identified asbestos containing materials. Please contact Tim Fuhs of the APCD Enforcement Division at 781-5912 for further identification. This measure shall be shown on an additional map sheet prior to recordation of the final map.
- AQ-4 Developmental burning shall be prohibited unless the applicant obtains a burn permit from the Air Pollution Control District and California Department of Forestry/County Fire (CDF). If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912. This measure shall be shown on an additional map sheet prior to recordation of the final map.
- AQ-5 Prior to issuance of building permits, the applicant shall demonstrate compliance with the following measure. This measure shall be shown on an additional map sheet prior to recordation of the final map. If you have any questions, please contact Tim Fuhs of the APCD Enforcement Division at 781-5912. Under APCD Rule 504 only APCD-approved wood burning devices shall be installed in new dwelling units. These devices include:
- e. All EPA-certified Phase II wood burning devices;
 - f. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-certified but have been verified by a nationally-recognized testing lab;
 - g. Pellet-fueled woodheaters; and,
 - h. Dedicated gas-fired fireplaces.

Recreation

- R-1 Prior to recordation of final map, the applicant shall pay all applicable Quimby and Building Division Fees.

Wastewater

- WW-1 Prior to recordation of the final map, the applicant shall submit to the County Environmental Health Division the results of one soil boring and three percolation tests in each proposed leach field location showing adequate percolation rates, depth to bedrock, and depth to groundwater, or plans for an engineered system.

Water

- W-1 Prior to recordation of final map, the applicant shall apply for and obtain a well destruction permit from the County Environmental Health Division. The well shall be destroyed prior to recordation of the final map.

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W-2 Prior to recordation of the final map, the applicant shall conduct comprehensive water well documentation and testing for each well to the satisfaction of the County Environmental Health Division.

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**DEVELOPER'S STATEMENT FOR THE
HOLLMAN (ANDERSON) PARCEL MAP; SUB2003-00307 CO05-0319**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

AGRICULTURAL RESOURCES

AG-1 Prior to recordation of the final map, the applicant shall show the following agricultural buffers on the final map (or additional map sheet), and as shown in Exhibit C:

- a. 200 feet from the ag designated, contracted land (containing prime soil) to the south. This distance includes approximately 35 feet of the adjoining agricultural property and 50 feet across the Calle Los Colinas right of way to the southernmost point of the property. The buffer distance would form a broad arc in the southeast point of the project site. Starting at the southernmost corner of the site, the buffer distance on the project site would extend 115 feet along the southeast property line and 180 feet along the southwest property line.
- b. 100 feet from the western bank of the branch of Huer Huero creek.
- c. 200 feet from the adjacent irrigated crop located on APN: 043-062-002. This distance is approximately 170 feet on the subject property. The buffer shall become null and void if future development on adjacent parcel(s) precludes production agriculture." Such a determination shall be made in consultation with the Department of Agriculture.

Only non-habitable structures such as garages, barns, or storage facilities shall be allowed within the agricultural buffer areas.

Monitoring: The Planning and Building Department in consultation with the Public Works Department shall verify required elements on plans.

AG-2 Prior to recordation of the final map, the applicant shall submit a landscape and fencing plan to the Department of Planning and Building and the Agricultural Commissioner's Office for review and approval of both agencies, showing the installation of shrubs and trees along the northern, northwestern, and southern, and southwestern property boundaries and the installation of fencing (approved by the Agricultural Commissioner's Office) along the north, west and south borders of the site. The screening shall consist of a variety of drought-tolerant species and shall form a reasonably solid vegetative screen. Existing vegetation along the West Fork of Huerhuero Creek shall be retained to provide screening to the west. The approved landscape and fencing plan shall be implemented prior to issuance of any building

permits and shall be maintained in perpetuity..

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Monitoring: The Planning and Building Department shall verify compliance.

AG-3 Prior to final inspection of subdivision improvements, the applicant shall retain a County-approved, qualified individual for installation and maintenance of the approved landscape plan. The approved landscape plan shall be implemented prior to final inspection of subdivision improvements, and the retained individual shall submit a letter to the County Planning and Building Department upon installation of approved shrubs, trees, and irrigation. The applicant and retained individual shall monitor the landscape plan for a period of three years. Annual monitoring reports shall be submitted to the County Planning and Building Department each year until the end of the third year following initial planting; at this stage the retained individual shall submit a final monitoring report. Throughout the lifetime of the project, if any installed shrubs or trees die, they shall be replaced in kind to maintain a reasonably solid landscape screen.

Monitoring: The Planning and Building Department shall verify compliance.

AIR QUALITY

AQ-1 During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures:

- a. Reduce the amount of disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
- h. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- i. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off;
- ~~j. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible;~~
- k. All PM10 mitigation measures required shall be shown on an additional map sheet

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and grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-2 Prior to issuance of grading permit for subdivision improvements, the applicant shall submit a geologic evaluation of naturally occurring asbestos on the project site to the Air Pollution Control District. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912. This measure shall be shown on an additional map sheet prior to recordation of the final map.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-3 Prior to issuance of a demolition permit, or if utility pipelines are scheduled for removal or relocation, the applicant shall comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD; 2) asbestos survey conducted by a Certified Asbestos Inspector, and; 3) applicable removal and disposal requirements of identified asbestos containing materials. Please contact Tim Fuhs of the APCD Enforcement Division at 781-5912 for further identification. This measure shall be shown on an additional map sheet prior to recordation of the final map.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

AQ-4 Developmental burning shall be prohibited unless the applicant obtains a burn permit from the Air Pollution Control District and California Department of Forestry/County Fire (CDF). If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912. This measure shall be shown on an additional map sheet prior to recordation of the final map.

Monitoring: The Planning and Building Department, in consultation with the

County Air Pollution Control District shall verify compliance.

AQ-5 Prior to issuance of building permits, the applicant shall demonstrate compliance with the following measure. This measure shall be shown on an additional map sheet prior to recordation of the final map. If you have any questions, please contact Tim Fuhs of the APCD Enforcement Division at 781-5912. Under APCD Rule 504 only APCD-approved wood burning devices shall be installed in new dwelling units. These devices include:

- a. All EPA-certified Phase II wood burning devices;
- b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-certified but have been verified by a nationally-recognized testing lab;
- c. Pellet-fueled woodheaters; and,
- d. Dedicated gas-fired fireplaces.

Monitoring: The Planning and Building Department, in consultation with the County Air Pollution Control District shall verify compliance.

BIOLOGICAL RESOURCES

Prior to recordation of the final map, the following notes shall be included on the second sheet of the final map and shall apply to future construction on the project site:

San Joaquin Kit Fox

BR-1 Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR-11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities,** if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist

shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determines it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

d. In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a) Potential kit fox den: 50 feet
 - b) Known or active kit fox den: 100 feet
 - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

BR-2 Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate as a note on the project plans, that: *"Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox."* Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**. In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

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- BR-3 During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- BR-4 Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- BR-5 During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-6 During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-7 During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-8 Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-9 During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead

kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.

BR-10 Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Monitoring (San Joaquin Kit Fox Measures BR-3 – BR-11): Compliance will be verified by the County Division of Environmental and Resource Management in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason

Monitoring: The Department of Planning and Building shall verify compliance.

BR-11 Prior to issuance of grading permits for both subdivision improvements and future development of each parcel, the applicant shall install temporary construction fencing a minimum of 25 feet from the top of bank as identified on the Vesting Tentative Parcel Map CO 05-0319. The use and storage of any construction equipment, materials, and excavated and imported soils shall not be allowed outside of the construction fencing. The fencing shall remain in place until final inspection of the building permit.

Monitoring: The Department of Planning and Building shall verify compliance.

GEOLOGY AND SOILS

- GS-1 Prior to issuance of grading permits for subdivision improvements and individual lot development,** the applicant shall submit a copy a Stormwater Pollution Prevention Plan (SWPPP) approved by the State Water Resources Control Board. The SWPPP shall be implemented as applicable.

Monitoring: The Department of Planning and Building, in consultation with the Department of Public Works shall review and approve all required plans.

RECREATION

- R-1 Prior to recordation of final map,** the applicant shall pay all applicable Quimby and Building Division Fees.

Monitoring: The Department of Planning and Building shall verify compliance.

WASTEWATER

- WW-1 Prior to recordation of the final map,** the applicant shall submit to the County Environmental Health Division the results of one soil boring and three percolation tests in each proposed leach field location showing adequate percolation rates, depth to bedrock, and depth to groundwater, or plans for an engineered system.

Monitoring: The Department of Planning and Building shall verify required elements on plans.

WATER

- W-1 Prior to recordation of final map,** the applicant shall apply for and obtain a well destruction permit from the County Environmental Health Division. The well shall be destroyed prior to recordation of the final map.

Monitoring: The Department of Planning and Building, in consultation with the County Environmental Health Division shall verify compliance.

- W-2 Prior to recordation of the final map,** the applicant shall conduct comprehensive water well documentation and testing for each well to the satisfaction of the County Environmental Health Division.

- W-3** Secondary units are limited to a maximum of 640 sq ft with no exceptions and shall be located on the second floor of the primary dwelling or above garages.

1-61

Monitoring: The Department of Planning and Building, in consultation with the County Environmental Health Division shall verify compliance.

The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Signature of Owner(s)

Date

Name (Print)

located on the second floor of the primary dwelling or above garages.

Monitoring: The Department of Planning and Building, in consultation with the County Environmental Health Division shall verify compliance.

The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.


Signature of Owner(s)

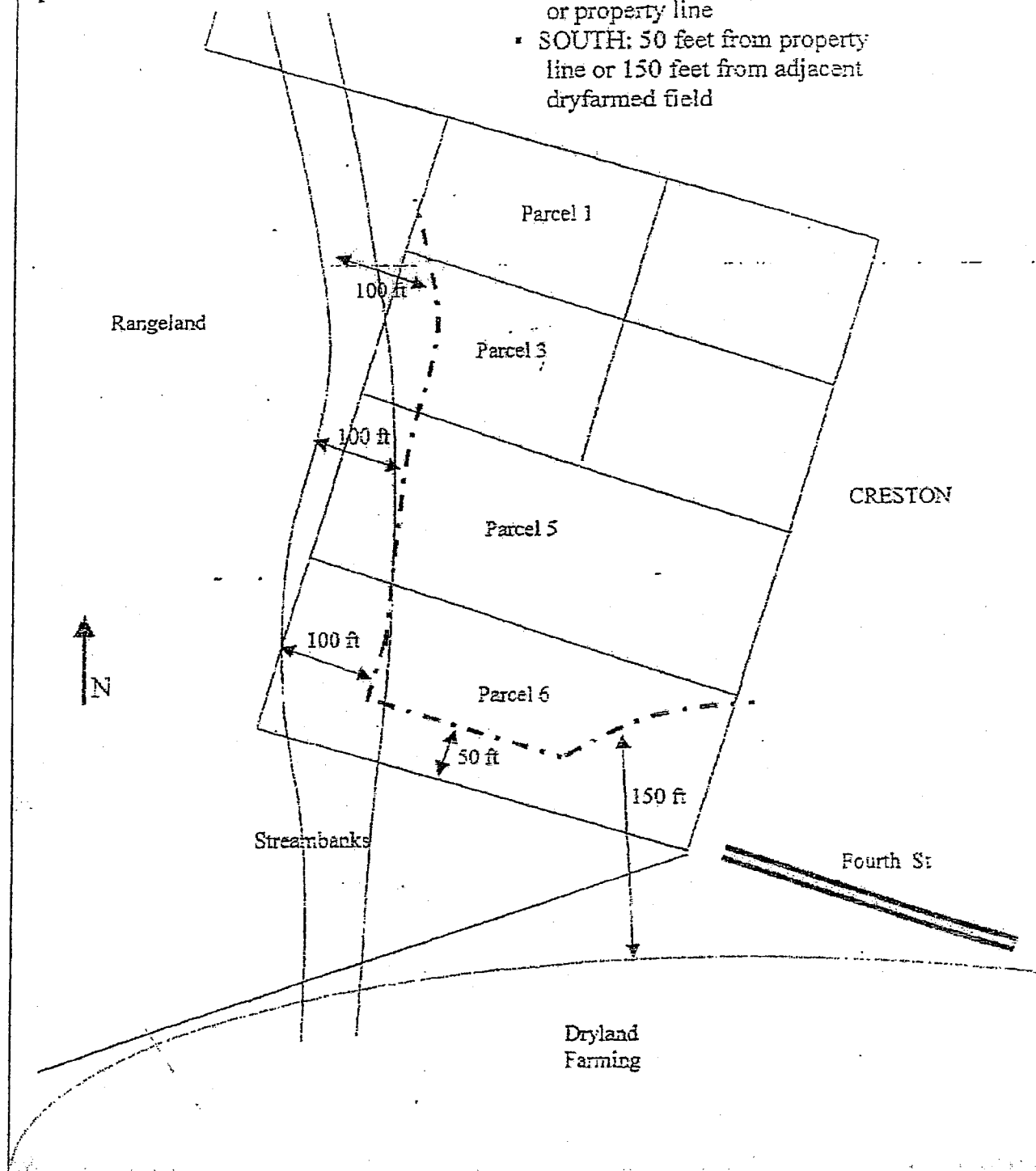
5-18-06
Date

STEVE HOLMAN
Name (Print)

1-63

Buffer Recommendation

- WEST: 100 feet from streambank or property line
- SOUTH: 50 feet from property line or 150 feet from adjacent dryfarmed field



Source: County Agriculture Department



NORTH

Not to Scale

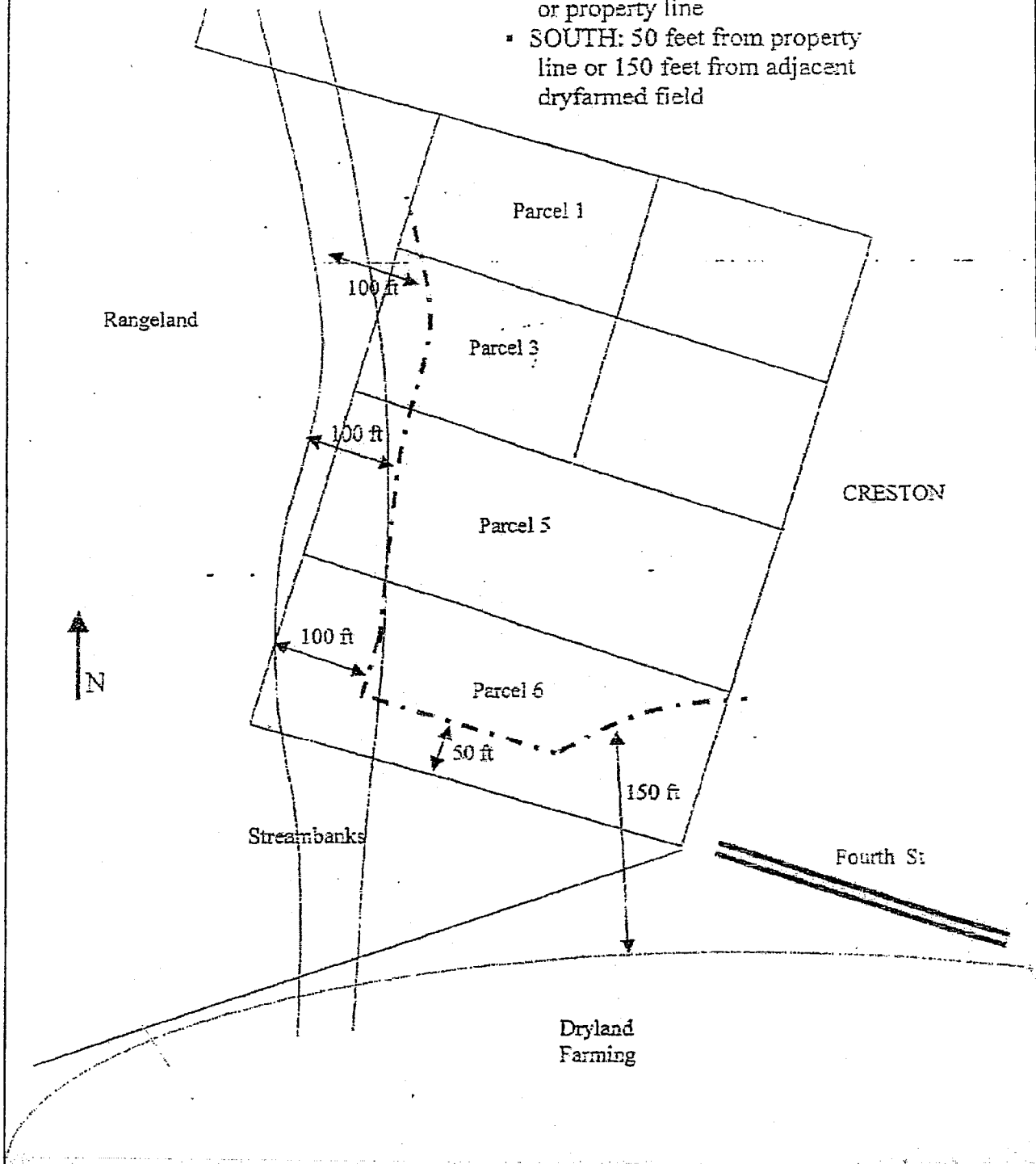
Morro Group, Inc.

EXHIBIT C

Buffer Recommendation

1-64

- WEST: 100 feet from streambank or property line
- SOUTH: 50 feet from property line or 150 feet from adjacent dryfarmed field



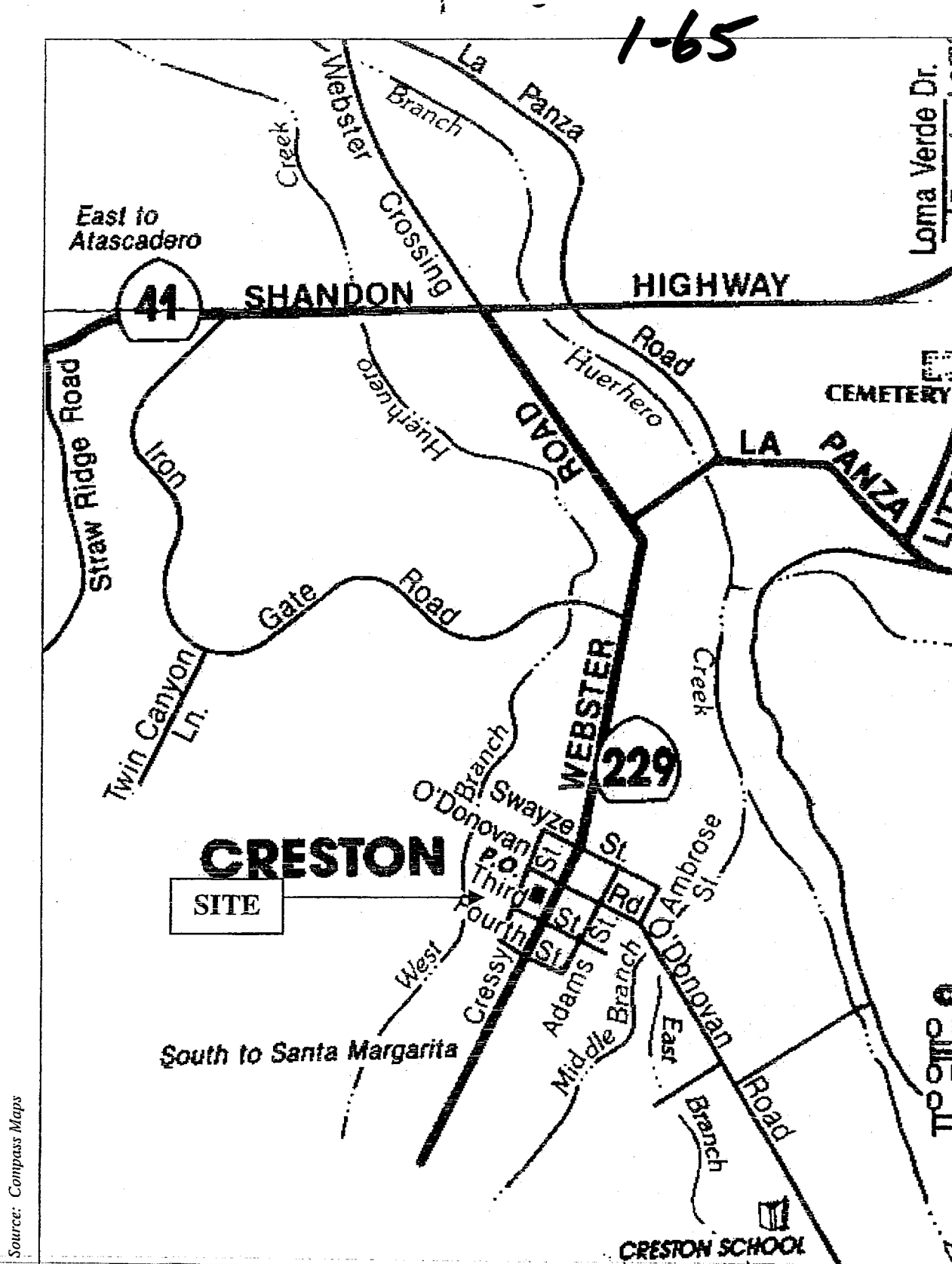
Source: County Agriculture Department



NORTH
Not to Scale

Morro Group, Inc.

EXHIBIT C

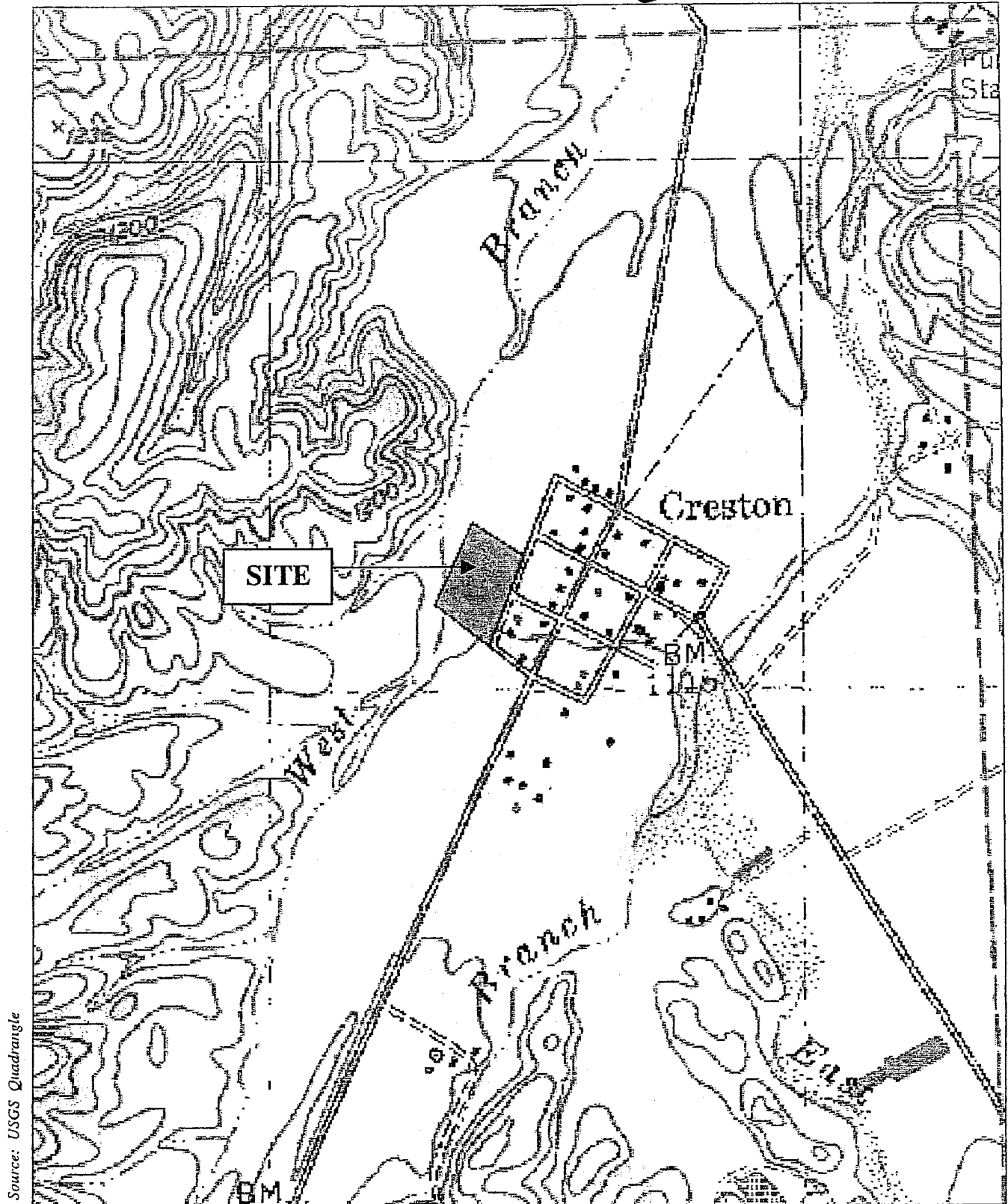


NORTH
Not to Scale

VICINITY MAP

FIGURE 1

7-66



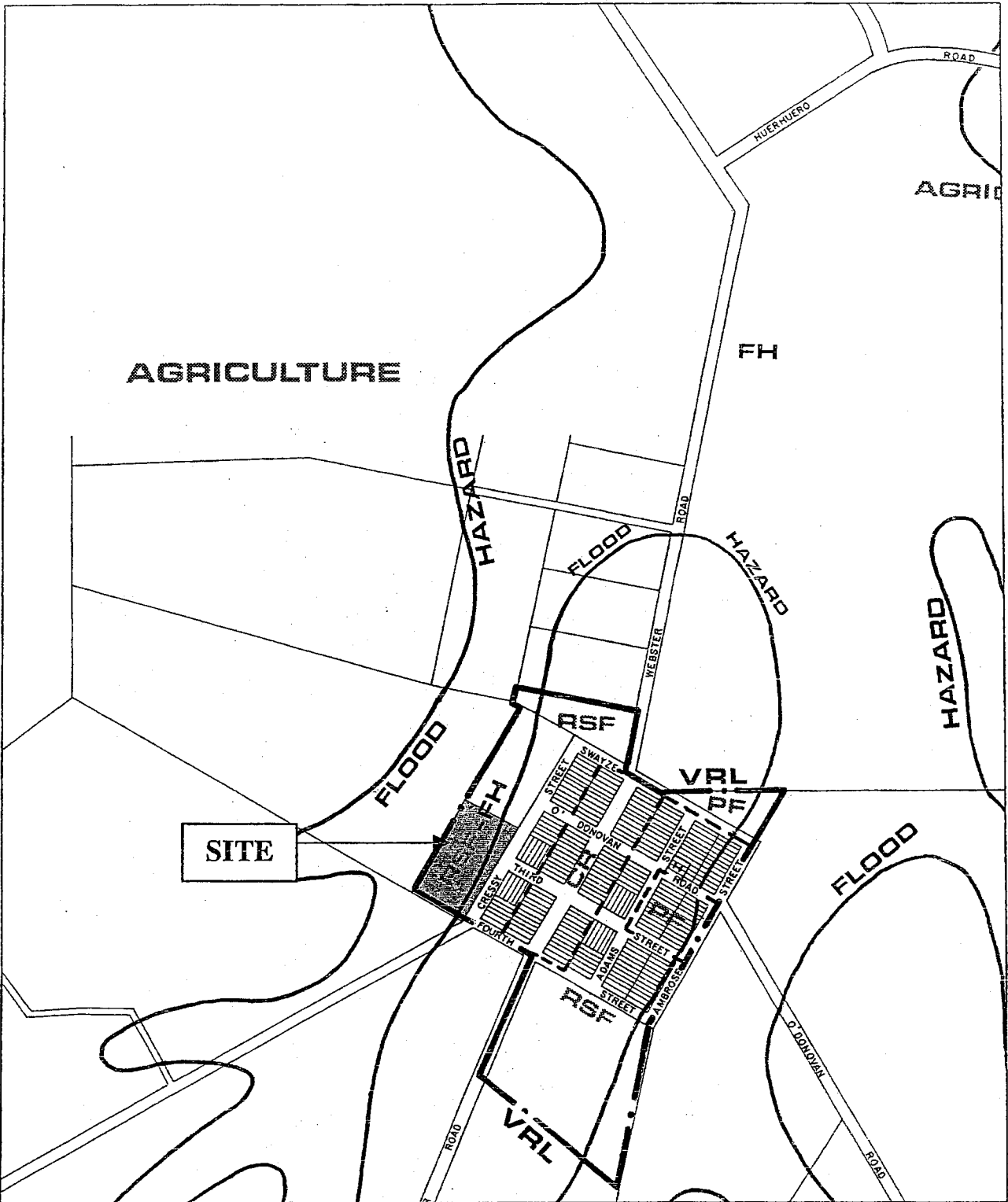
Source: USGS Quadrangle



NORTH
Not to Scale

LOCATION MAP
FIGURE 2

1-67



Source: County of San Luis Obispo



NORTH
Not to Scale

LAND USE CATEGORY
FIGURE 3



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

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SEP 21 2004

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

9/20/2004

FROM

PW

Anderson

TR 2598

FROM

North Co. Team

SUB 2003-00307

Project Name and Number

Planner-Susan

(Please direct response to the above)

(S. Callado)

Development Review Section (Phone: 781-788-2009) (788-2714)

PROJECT DESCRIPTION:

Traet map -> Creston - divide property into 6 parcels & a shared well system. Chging from orig. plan for TR map w/ 4 lots. See new map, old map included as ref.

Return this letter with your comments attached no later than:

10/5/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

YES
?

(Please go on to Part II)

NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

NO
?

(Please go on to Part III)

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

NEW MAP WITH REVISED TOPO INFO - WERE THESE CULVERTS ADDED THIS SUMMER? THERE ARE REVISED STREAM CHANNEL CONTOURS - DID THEY GRADE THIS OUT LAST SUMMER? STREAM CHANNEL ALTERATION PERMIT? GARAGE WAS APPROX 35'x30' ON JUNE 2004 MAP NOW ITS APPROX 35'x50'. THE CALIF BUS. & PROF. CODE SECTIONS 6735 & 8761 REQUIRE SURVEYORS & ENGINEERS TO PROVIDE THEIR NAME & REG NUMBER ON ALL REPORTS & PLANS. Appl. form NOT updated to REFLECT CHANGE Well moved out of Road R/W - All other COMMENTS on previous referral still apply. THIS TOPO A

Date
12 OCT 2004

Name
GOODWIN

Phone
5252
does NOT S
THE Flood,
DETERMINI
REQUIRE

EXHIBIT B

CONDITIONS OF APPROVAL FOR TRACT 2598, ANDERSON/EMK

1-70

Approved Project

This approval authorizes the division of a _____ acre parcel into _____ parcels of _____ acres / square feet each.

Access and Improvements

☒ Roads and/or streets to be constructed to the following standards:

- a. CRESSEY St constructed to a 2/3 A-1 section within a MIN. 40 foot dedicated right-of-way FRONT THE PROJECT.
(MIN. PAVED width to be 18 feet)
- b. _____ widened to complete a _____ section fronting the property.
- c. A Street constructed to a 2/3 A-1 section from the property to A PAVED PUBLICLY MAINTAINED ROAD (minimum paved width to be 18 feet).

☐ The applicant offer for dedication to the public by certificate on the map or by separate document:

- a. For future road improvement _____ feet along _____ to be described as _____ feet from the recorded centerline.
- b. For future road improvement _____ feet along _____ to be described as _____.
- c. For road widening purposes _____ feet along _____ to be described as _____ feet from the recorded centerline.
- d. The _____ foot road easement as shown on the tentative parcel map with a _____ foot radius property line return at the intersection of _____.
- e. A _____ foot radius property line return at the intersection of _____.
- f. The _____ foot road easement terminating in a county cul-de-sac as shown on the tentative map.

- d 1-71
- ☐ The intersection of _____ be designed in accordance with California Highway Design Manual.
 - ☐ Access be denied to lots _____ from _____ and that this be by certificate and designation on the map.
 - ☐ The future alignment of _____ shall be shown on the map as reserved for future public right-of-way.
 - ☒ A private easement be reserved on the map for access to lots 1 & 3.
 - ☐ A practical plan and profile for access to lots _____ be submitted to the Department of Public Works and the Department of Planning and Building for approval.
 - ☒ All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

- ☒ Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - g. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
 - h. Trail plan, to be approved jointly with the Park Division.
 - ☒ The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
 - ☒ The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
-
- ☒ If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works OR
 - b. Document that the regulatory agencies have determined that said permit is not longer required.

Drainage

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- ☐ _____ is not capable of carrying additional runoff. Construct off-site drainage facilities for an adequate outlet, or provide evidence of adequate drainage easements.
- ☒ The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
- ☒ Submit complete drainage calculations to the Department of Public Works for review and approval. *THE CALC'S SHALL AT A MINIMUM DETERMINE THE 100 YR FLOOD ELEVATION ON THE PROJECT.*
- ☐ If calculations so indicate, drainage must be **retained/detained** in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
- ☐ If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. granted to the public in fee free of any encumbrance.
 - b. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
 - c. reserved as a drainage easement in favor of the owners and assigns.
- ☐ If a drainage basin is required, a zone of benefit be formed within _____ for maintenance of the drainage basin. Application to be filed with the The Department of Public Works Administrator.
- ☐ If a drainage basin is required, this development be annexed to _____ for maintenance of the drainage basin. Evidence of acceptance to be filed with the Department of Public Works.
- ☒ The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Wastewater Disposal

- ☐ Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system. (Parcel(s) _____, only).
- ☐ A community septic system shall be installed with a centralized leaching area and shall have a 100% or greater additional expansion area. The area for the community septic tank system and disposal area shall **be granted in fee on the map to the appropriate maintenance agency for maintenance with the right of ingress and egress / shall be kept as open space within easement for sewage treatment purposes granted to a homeowner's association.** Impervious paving over a disposal area is not considered acceptable.

- ☐ A long term community septic tank and disposal area maintenance plan be submitted to the Department of Public Works and Health Department and the Regional Water Quality Control Board for review prior to the filing of the final parcel or tract map.
- ☐ The community sewage system shall be designed by a Registered Civil Engineer and operated in accordance with county, state, federal and maintenance entity laws, standards and requirements. A waste discharge permit, if required, shall be issued by the Central Coast State Regional Water Quality Control Board prior to the filing of the final parcel or tract map.
- ☐ This land division shall be annexed to _____ prior to the filing of the final parcel or tract map for *water service/water and sewer service/sewer maintenance/community septic system maintenance/*_____.

Soils Report

- ☐ A final soils report by a Registered Civil Engineer be submitted for review prior to the final inspection of the improvements.
- ☐ Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final parcel or tract map. The date and person who prepared the report are to be noted on the map.

Utilities

- ☒ Electric and telephone lines shall be installed *underground* ~~overhead~~
- ☐ Cable T.V. conduits shall be installed in the street.
- ☐ Gas lines shall be installed.
- ☐ A _____ feet public utility easement on private property along _____, plus those additional easements required by the utility company, be shown on the final parcel or tract map.

Design

- ☐ The lots shall be numbered in sequence.
- ☐ The _____ on lot _____ be removed or brought into conformance with the **Land Use Ordinance / Coastal Zone Land Use Ordinance** prior to filing the final parcel or tract map. A demolition permit may be required.
- ☐ The lot area of _____ shall contain a minimum area of _____ exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22/23.04.021).



The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map ~~AND ON THE IMPROVEMENT PLANS~~

Vector Control and Solid Waste

- ☐ A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet **Land Use Ordinance / Coastal Zone Land Use Ordinance** requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

- ☐ Provide minimum fire flow of _____ gallons per minute as per nationally recognized standard. Fire flows to be maintained for a minimum two-hour duration.
- ☐ The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.
- ☐ Designate a fire lane within all the driveway areas. This lane to be minimum width of twenty (20) feet. *(USE FOR MULTI-FAMILY/COMMERCIAL PROJECTS ONLY)*

Parks and Recreation (Quimby) Fees

- ☐ Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total **number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them / or the number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.**
- ☐ For subdivisions of less than five parcels that are not to be used for residential purposes, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels created by this subdivision within four years of recordation of the map, the Quimby Ordinance fee specified in the county fee schedule shall be paid by the owner of each parcel as a condition for the issuance of such permit.

Affordable Housing Fee

- ☐ Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Easements

- 1-75
- ☐ The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel prior to filing of the final parcel or tract map.
 - ☐ An open space easement be recorded for the open space parcel(s). It is to be held *in single ownership / in common by the Homeowner's Association / or transferred to a public trust or conservancy agency approved by the Department of Planning and Building*. The open space parcel is to be maintained as such in perpetuity.

Landscape Plans

- ☐ *If a drainage basin* is required, then submit detailed landscaping plans in compliance with Section 22/23.04.180 et seq. to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:
 - a. Drainage basin fencing. (ONLY USE IF THE DRAINAGE BASIN HAS A DEPTH OF 2 FEET OR GREATER AS MEASURED FROM THE TOP OF THE RIM TO THE LOWEST PORTION OF THE BASIN)
 - b. Drainage basin perimeter landscape screening. (ONLY USE FOR FENCED BASINS)
 - c. Landscaping for erosion control.
- ☐ All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within _____ days of completion of the improvements.

Mitigations PUT ANY MITIGATIONS FROM DEVELOPER STATEMENT HERE ONLY IF THEY CAN BE COMPLETED PRIOR TO THE RECORDATION OF THE MAP

☐ _____

☐ _____

Additional Map Sheet

☒ The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

CHOOSE APPLICABLE PROVISIONS

- a. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of drainage basin fencing in perpetuity.
- b. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of *drainage basin / adjacent* landscaping in a viable condition on a continuing basis into perpetuity.
- c. That secondary dwellings shall not be allowed on *all lots within the land division / on lots* _____.

1-76

- d. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site and access drive on the project plans.
- e. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- f. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- g. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
- h. The limits of inundation from a 100 year storm over lots 1 to 6 from WEST Branch HUEHUERO creek Nipomo shall be shown on the additional map and note the required building restriction in the on the sheet.
- i. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
- j. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated _____ from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. **(ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)**
- l. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
- A. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
- B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
- m. PUT ANY MITIGATIONS FROM DEVELOPER'S STATEMENT HERE **ONLY IF THEY GO BEYOND RECORDATION OF THE MAP** _____

Covenants, Conditions and Restrictions



The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:

CHOOSE APPLICABLE PROVISIONS

- 1-77
- a. On-going maintenance of drainage basin fencing in perpetuity.
 - b. On-going maintenance of drainage basin / adjacent landscaping in a viable condition on a continuing basis into perpetuity.
 - b. Maintenance of drainage basin landscaping.
 - c. Maintenance of common areas.
 - d. Secondary dwellings shall not be allowed.
 - e. Designated building sites (and access drives) shall be shown on an exhibit attached to the CC&R's reflecting the approved tentative map.
 - f. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
 - g. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
 - h. An agricultural buffer prohibiting residential structures, consisting of _____ feet over lots _____, shall be shown on an exhibit attached to the CC&R's. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year.
 - j. Maintenance of all local streets ~~within the subdivision~~ ^{within AND providing access to} until acceptance by a public agency.
 - j. The limits of inundation from a 100 year storm over lots 1-#6 from WEST Branch of Huerfano creek ~~river~~ shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the in the CC&R's.
 - k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. (ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)
 - l. _____

Low Cost Housing (USE IN COASTAL ZONE ONLY)

- ☐ Provide _____ residential units for low and moderate income families as defined by Section 50093 of the Health and Safety Code as part of the proposed project or elsewhere in the community. The agreement with the county for the development will include acknowledgment that it is feasible to provide a level of affordable housing in conjunction with this project. If qualified buyers have not purchased any of the _____ units within six months of the units being available for sale, and evidence can be provided that shows a reasonable advertising campaign was used to attract qualified buyers, the applicant may be relieved from the requirements to sell the units to qualified buyers.

Miscellaneous

1-78



This subdivision is also subject to the standard conditions of approval for all subdivisions using *community water and sewer / community water and septic tanks / individual wells and septic tanks*, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.



A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.



Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.



Prior to the sale of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county.



All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.



County of San Luis Obispo • Public Health Department

179

Environmental Health Services

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

November 16, 2004

Andy Anderson
P.O. Box 187
Creston, CA 93432

ATTN: ANDY ANDERSON
RE: TENTATIVE TRACT MAP 2598 (ANDERSON)
Water Supply

This office is in receipt of satisfactory **preliminary** evidence of water. Please be advised that additional water well documentation will be required for **each** shared well prior to approving the map for recordation. Adequate documentation will include the well completion report, the well capacity (pump test) and full water quality testing, not more than five years old, prior to final recordation. Be advised that a shared well legal agreement is required for each well proposed to provide water. Legal easements will also be required from the shared wells to each parcel that will be served. Also, the existing well on proposed parcel 5 will need to be destroyed as soon as water service can be provided from the shared well.

Wastewater Disposal

Individual wastewater disposal systems are considered an acceptable method of disposal, provided County and State installation requirements can be met. Comprehensive soil borings and percolation testing will be required on the vacant parcels 1,2,3,5, and 6 prior to map recordation.

TRACT 2598 is approved for Environmental Health subdivision map processing.

LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section

c: Kami Griffin, County Planning
Mary Anderson, Owner



COUNTY OF SAN LUIS OBISPO

- 1-80

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: October 20, 2004

TO: Susan Callado, Planner III

FROM: Michael Isensee, Agricultural Resource Specialist *mqd*

SUBJECT: Revised Anderson Family Trust Tract Map, Sub2003-00307 Tract 2598
(AG#0908)

SUMMARY OF FINDINGS

The Agriculture Department's review finds that the proposed Anderson Family Trust Tract Map has:

Less than significant impact(s) to agricultural resources or operations with the following recommended mitigation measures:

- buffers of adjacent agricultural lands and uses as shown on the attached sheet and described below coupled with planting of a vegetated screen on the northern and southern portions of the property, and
- notification of future owners and occupants of the County right to farm ordinance and detailed disclosure of activities, including hours of operation, on adjacent agricultural lands (Chapter 5.16).

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

If I can be of further assistance, please contact me at 781-5753.

1-81

INTRODUCTION

This report responds to your request for comments on the updated proposed Anderson Family Trust Tract Map located in the southwestern corner of Creston's URL. Our review is based on information from a site visit, review of maps and photos of the project, aerial photography, a review of surrounding agricultural uses (current, potential and historical), a review of adjacent land uses and adjacent zoning, conversations with adjacent agricultural land owners, and policies which pertain to the El Pomar Planning Area.

PROJECT INFORMATION

The applicant proposes to divide a 4.32-acre parcel into six parcels. Four parcels are each approximately one-half acre in size (0.49, 0.59, 0.51, and 0.58 for parcels 1 through 4 respectively) and the remaining two are each over one acre in size (1.03 and 1.08 acres for parcels 5 and 6, respectively). The land is located at the southwest corner of the Creston Village Reserve Line (VRL) and is adjacent to agricultural uses to the north, west and south and Agriculture designated lands to the west and south. The property in question is zoned residential single family. The project site soils are entirely class II irrigated, class IV non-irrigated and represents the conversion of the undeveloped 3.7 acres of potentially prime soils on the site to nonagricultural use.

Dry farming is common in the area along Huerhuero Creek, although wine grapes have become an increasingly common crop in the area on both bottomlands and hillsides. The potential for various irrigated row crops exist on the prime soils found along Huerhuero Creek and its tributaries.

Nearby parcels are utilized for production agriculture. To the south a 90-acre parcel includes 60 acres under Agricultural Preserve contract. This parcel is actively utilized for the production of hay and the farmer is considering options to intensify to an irrigated agricultural use. To the north the 86-acre parcel has been utilized for dry-farm grain production and was utilized for a single season (2000) for the production of seed crops. According to the grower who produced seed crops, the property has plenty of water for irrigation but the current well needs to be updated to better utilize the property for irrigated production. The owner of this parcel plants an annual cover crop but conditions are such that he does not find it economical to grow a harvestable crop at this time. The 122-acre parcel immediately to the west is currently owned by the project applicant and is utilized as part of a ranching operation that operates across more than 1,000 acres.

The location of residences in close proximity to the intensified agricultural uses creates the potential for significant land use compatibility issues. Residences in close proximity to a vineyard (as an example) could increase liability for the grower, generate complaints against the agricultural operation, increase the likelihood of trespass and harm to crops by either humans or domesticated animals, and reduce the ability to perform necessary agricultural operations in a timely manner. Additionally, agricultural operations could impact neighboring

1-82

residences from dust (cultivating and other machinery operations), noise (machinery operation, bird frightening devices, frost protection), odor, nighttime operation, farm personnel or chemical applications.

PROJECT EVALUATION

As the first residential subdivision in Creston east of Cressy Road, this project represents an incursion of residential use into what has historically been agricultural land. Since additional lands to the north have already been included in the Creston VRL, this project will tend to support further residential development in this area. This could be considered a growth-inducing impact that will lead to the further conversion of agricultural lands. Avoiding conflict between agriculture and residential uses will help maintain farm owners investment in continued operations adjacent to Creston and will help to mitigate the potential negative effects on long-term agricultural production in the vicinity.

The proposed lot configuration and "proposed residence areas" does not conform to county agricultural buffer policies. Agricultural buffers, according to Agriculture Policy 17 of the county's Agriculture and Open Space element of the general plan, exist to minimize potential land use conflicts between agricultural and non-agricultural development. Conflict at the urban-agricultural interface increases costs to farmers and can be a further stimulation for the conversion of agricultural lands. The county agricultural buffer policy specifies a buffer range of 50 to 200 feet for rangeland, 100 to 400 feet for field crops, and more extensive buffers for more intensive types of farm operations.

RECOMMENDED MITIGATION MEASURES

Based on the Agriculture Department's findings and conclusion in the previous section, the following mitigation measures are recommended:

- Buffers for habitable structures on the proposed project site (see attached), including:
 1. 150 feet from the existing dryland fields (edge of actively farmed areas, not property lines) to the south. This buffer, coupled with a vegetative screen, retains a sizeable development area on parcel 6 and provides protection to both future homeowners and the adjacent agricultural property if the buffer is coupled with a maintained landscape buffer.
 2. 100 feet from the property line to the west and 50 feet to the southwest for adjacent grazing uses. Parcels 1, 2, and 5 each retain a sizeable buildable area.
 3. No buffer is required for the property to the north as production agriculture is not currently occurring on this site. Due to the continued tilling, planting and mowing of cover crops that occurs on this parcel, vegetative screening near the property line is recommended.
- Non-habitable structures such as garages, barns or storage facilities as well as landscaping should be allowed within these buffer distances.
- Landscaping with appropriate shrubs and trees along the northern and southern property lines. Appropriate landscape screening would need to be self-sustaining once established.

1-83

The screening can be made up of a mixture of species and should form a reasonably solid vegetative screen. Existing vegetation along Huerhuero Creek should be retained to provide screening from rangeland activity to the west. The establishment of new and maintenance of existing screening should more fully protect the property owners and adjacent growers if intensification occurs on the existing agricultural fields.

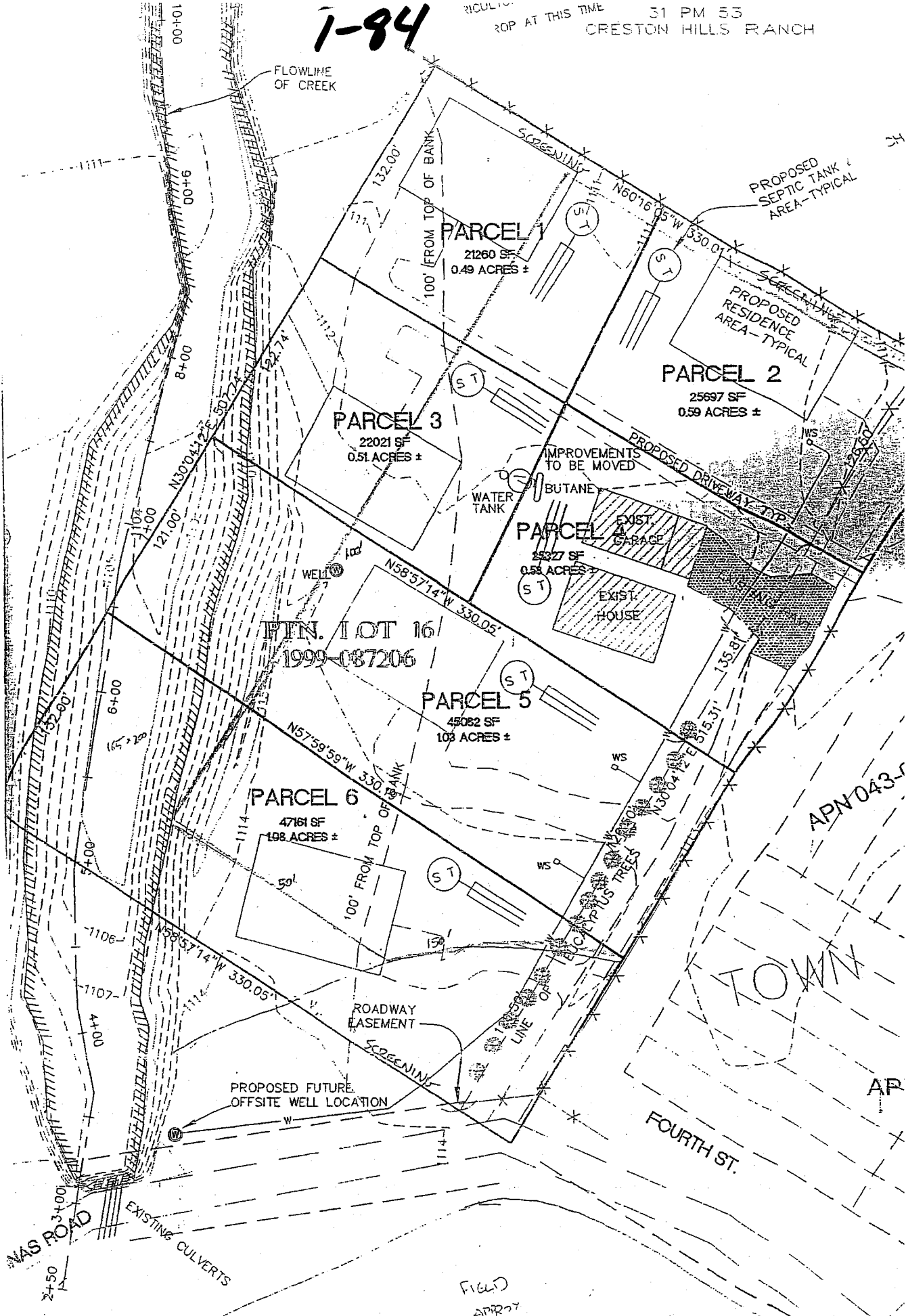
- Disclosure of the county's Right to Farm ordinance (Chapter 5.16) at the time of sale of real property is a requirement of the ordinance. Requiring notification will help limit the likelihood of complaints and assist potential owners to understand residential life adjacent to active commercial agriculture. Notification should include information about adjacent agricultural operations including typical and potential hours of operation, the types of crops grown in the vicinity (not limited to crops currently grown on adjacent parcels) and the types of activities that go along with these crops.

Attached: proposed buffer map

CC: Tobey Osgood

1-84

31 PM 53
CRESTON HILLS RANCH



LOT 140
A. MR. 110 (CINO. HUER. HUERO)



SWC 1-85 20
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

2004 SEP 21 AM 9:58

VICTOR HOLANDA, AICP
DIRECTOR

OCT 07 2004

Planning & Bldg

THIS IS A NEW PROJECT REFERRAL

DATE:

9/20/2004 10/06/04

FROM:

Parks

TO:

North Co. Team

(Please direct response to the above)

(S. Callado)

Anderson

TR 2598

SUB 2003 - 00307

Project Name and Number

Planner - Susan

Development Review Section (Phone: 781-788-2009) (788-2714)

PROJECT DESCRIPTION:

Traet map -> Creston - divide property into 6 parcels & a shared well system. Chging from orig. plan for TR map w/ 4 lots. See new map, old map included as ref.

Return this letter with your comments attached no later than:

10/5/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES

(Please go on to Part II)

☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO

(Please go on to Part III)

☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Require Quimby Fees and applicable Building Division fees.

10/06/04
Date

JAN D. Lee
Name

4089
Phone



AIR POLLUTION
CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

1-86

SWC

DATE: October 7, 2004

TO: North County Team
County Department of Planning and Building

FROM: Jan Downs Vidalin *JDV*
San Luis Obispo County Air Pollution Control District

SUBJECT: Anderson Tract Map, 6393 Cressey St., Creston (SUB2003-00307)

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at 6393 Cressey St. west of the town of Creston. The project is a Tract Map dividing property into 6 parcels and a shared well system. There is one existing residence and garage which will remain, but five additional residences are planned along with driveways. This changes the original plan for a Parcel Map with 4 lots. The project area is designated RSF-FH (Residential Single Family-Flood Hazard). Proposed project is located within the VRL (Village Reserve Line). The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS:

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. The following measures must be implemented when construction and demolition occur at the site. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE EMISSIONS:

Dust Control Measures

The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. **APCD staff recommend the following measures be incorporated into the project to control dust:**

- Reduce the amount of the disturbed area where possible.
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stock-pile areas should be sprayed daily as needed.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
- Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

1-87

Demolition Activities

The project may require the demolition of existing structures on the proposed site. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHA^P). These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slcleanair.org/business/asbestos.asp> for more information or contact Karen Brooks of our Enforcement Division at 781-5912.

Developmental Burning

Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

OPERATIONAL PHASE EMISSIONS:

The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for operational phase emissions. However, if wood burning devices are installed, District Rule 504 will apply to this project.

1-88

Residential Wood Combustion

Under APCD Rule 504, only APCD approved wood burning devices can be installed in new dwelling units. These devices include:

- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Pellet-fueled woodheaters; and
- Dedicated gas-fired fireplaces.

If you have any questions about approved wood burning devices, please contact Tim Fuhs of our Enforcement Division at 781-5912.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

AAG/JDV/sll

cc: Tim Fuhs, APCD Enforcement Division
Karen Brooks, APCD Enforcement Division

Attachment: Attachment 1: Naturally Occurring Asbestos Construction & Grading Project –
Exemption Request Form

h:\o\is\plan\response\2930.doc



DEPARTMENT OF PLANNING AND BUILDING

1-89

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: March 8, 2005

TO: Department of Fish and Game

Anderson Tract Map; SUB2003-00307 TR 2598
Project Name and Number

FROM: James Caruso, Senior Planner
Please respond to above
Development Review Section (PHONE: 781-5702)

PROJECT DESCRIPTION: Subdivision of one 4.32-acre parcel into six parcels approximately 0.5 acre each
for the sale and development of each parcel

Return this letter with your comments attached no later than March 8, 2005.

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES (Please go on to PART II.)

☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ NO (Please go on to PART III.)

☒ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. **IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.**

Standard preconstruction surveys needed
to ensure no direct impacts to kit fox
No habitat mitigation necessary

3-8-05

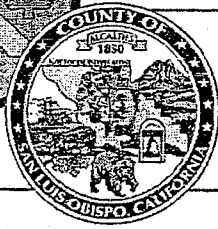
Date

Bob Stafford

Name

528-8670

Phone



CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

July 21, 2004

North County Team

County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Subject: Parcel Map Project # SUB2003-00307

Dear North County Team,

I have reviewed the referral for the parcel map plans for the proposed four parcel subdivision project located at 6393 Cressey Street, Creston, CA. This project is located approximately 1 to 5 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a Moderate Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

○ Parcels less than 1 acres	800 feet
○ Parcels 1 acre to 4.99 acres	1320 feet
○ Parcels 5 acres to 19.99 acres	2640 feet
○ Parcels 20 acres or larger	5280 feet
- The road must be 18 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.

- 1-91
- All roads must be able to support a 20 ton fire engine.
 - Road must be named and addressed including existing buildings.
 - A turnaround must be provided if the road exceeds 150 feet.
 - Vertical clearance of 13'6" is required.

Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
 - 0-49 feet, 10 feet is required
 - 50-199 feet, 12 feet is required
 - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.

Water Supply

The following applies:

☐ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.

☒ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings. Minimum 10,000 gallon water storage required.

Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 foot firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

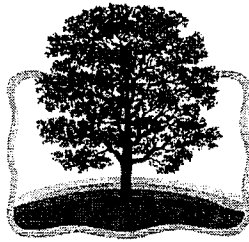
If I can provide additional information or assistance, please call 543-4244.

Sincerely,

Chad T. Zrelak
Fire Captain Inspector

cc: Anderson
EMK & Associates

1-92



PasoWatch

Looking Out Today For Tomorrow

SRB
PLANNING COMMISSION
EXHIBIT: Holman CO05-0319
DATE: 6/5/06
DO NOT REMOVE FROM FILE

Planning Department
Attn: Ramona Hedges, Secretary
Subdivision Review Board
County Government Center
San Luis Obispo, CA 93408

May 30, 2006

RE: CO05-0319 Holman (formerly Anderson) four parcel subdivision in Creston

Dear Ms. Hedges,

Please give copies of this information to Subdivision Review Board members Aeron Arlin-Genet, Richard Marshall, Richard Lichtenfels or Luaurie Salo, John Nall and John Euphrat.

Enclosed are our comments on the Holman project (five page) and an opinion issued by the California State Attorney General, March 30, 2006.

For your convenience, I will send you an email with these documents attached.

Thank you,

Susan Harvey, President
P.O. Box 240
Creston, CA 93432
Voice 239-0542

SLO CRTY
PLANNING/BUILDING
DEPT
2006 MAY 31 AM 10:04

1-93

May 25, 2006

To: Subdivision Review Board

From : Paso Watch

Re: CO05-0319 Holman (formerly Anderson)
Four parcel subdivision in Creston
Hearing date June 5, 2006

These remarks expand upon and update the comments in the PasoWatch Request for Review of Negative Declaration dated April 27, 2005 and the comments, maps and materials provided to you at your April 3, 2006 hearing.

This project will set the precedent for residential development in Creston. The plan updated in 2003 in order to guide land use decisions in this area for the next 20 years, states that "development at full single-family density is therefore precluded until community water supply and sewer systems exist". (El Pomar-Estrella Area Plan page 5-5)

Creston citizens through their advisory council representatives have asked that many of the questions listed below be answered before this project is approved. (see letters from SMAAC in staff report) Creston citizens are now working on a specific design plan for the village.

At the Subdivision Review Meeting on April 3, 2006, your board requested that further information be provided regarding this application . Here are the issues yet to be addressed before this parcel is approved for subdivision.

1. Location of 100 year Flood Hazard Line

The location of the 100 year Flood Hazard line should be formally approved by FEMA before the project goes forward. There is no mechanism for reversing the approval or set responsibility for follow-up if the parcel is subdivided before the flood line is determined.

Recently, the Board of Supervisors approved a lump sum of about three and a half million dollars to remedy flooding problems in the South County. Much of this problem and expense could have been prevented by proactive long range planning and attention to flooding potential as the area developed. Creston is surrounded by a flood plain and local citizens have seen and submitted testimony to the advisory council about severe flooding at this specific site. In addition the planning department finding for a contiguous parcel found that it was unsuitable for development because of flooding. (see Anderson project

PasoWatch to SRB re Holman project in Creston page 1

1-94

findings in request for review)

Also, no analysis has been made of the impacts that increased density and street pavement will have on runoff and flooding for neighbors, neighboring wells and neighboring septic systems.

2. Parcel size 4.32 v. 3.88 acres

What is the actual size of the parcel? Is the parcel 4.32 acres or 3.88 acres? This is a critical question for location of dwellings and septic systems on this severely constrained parcel. The discrepancy rests on the question of whether the applicant owns the land to the middle of the street or not. It is the position of PasoWatch that Third and Fourth Streets and Cressy Street are publicly dedicated streets that have not been abandoned by the County.

3. Creston streets should be reopened to full 70 foot width

See attached letter dated May 25, 2006 from Creston representative to SMAAC.

4. CDF requirements for street width and turnaround

In the event that the fence down the middle of Cressy Street is not removed, then the required CDF turnaround and street width is not identified on the parcel map

5. Violation of Ag Policy 11 - Agricultural Water Supplies

Violation of Ag Policy 11 alone is reason for denial of this discretionary project. We know that the Paso Robles Groundwater Basin Study shows that the basin overall is in a decline.

At the Paso Robles Groundwater Banking Feasibility Working Group tour of the Polonio Pass Water Treatment Plant on April 12, 2006, Paul Sorensen, hydrogeologist for Fugro West, stated that the groundwater levels in Creston are declining since his study of them a year ago.

AGP11 a. "Maintain water resources for production agriculture, both in quality and quantity, so as to prevent the loss of agriculture due to competition for water with urban and suburban development" (Ag and Open Space Element page 2-27)

Because of the well/septic constraints, the 25 x 150 foot lots in Creston have not developed at full density. This project would set the precedent for a series of community wells on the ag land surrounding the village which would enable dense residential development in an area without services. This type of development is also directly contrary to the recently adopted Smart Growth policies.

PasoWatch to SRB re Holman project in Creston page 2

1-95

6. Sunset provision of ag buffer

Again, Paso Watch objects to the arbitrary subsection of ag buffers for this project to a sunset provision or time limit. There is no provision for monitoring or follow-up of this condition which could also set a precedent which is not in the best interest of protecting the agricultural resources of the county especially for the fertile agricultural land in the flood plain which surrounds Creston.

7. Community water system requires five connections

This project apparently provides only four connections. The issue of identifying a fifth residential connection for the community water system has yet to be resolved.

8. Well and road easements

Access to this parcel is only via Third or Fourth and Cressy streets. There is no provision for this parcel's use of the Calle Las Colinas easements for access or water wells or placement of water storage tanks.

9. Secondary and guest units

The current Negative Declaration for the project does not address the impacts of secondary residences and is therefore inadequate if they are to be allowed.

If the four lot subdivision is approved, will each lot will be entitled to a second unit? Will each lot also be entitled to a guest unit? If second and or guest units are allowed, the potential density of eight or twelve units would seem impossible to accommodate given the constraints of septic setback from the creek and the Ag buffers. Also, whether the second units are granny flats or second residences, the question remains as to whether there would be adequate septic capability for second units.

In addition, there is no reliable follow-up or monitoring system for the after approval construction of second residences.

10. Map of other septic systems and wells in area

You requested information identifying other septic fields in the vicinity already and what other lots that have not currently been built might be affected.

11. Area standard for septic location

PasoWatch to SRB re Holman project in Creston page 3

1-96

Septic location of 150' upslope from the 100 Year Flood Hazard is the El Pomar update standard.

12. Parking issues

Parking and access for emergency vehicles is a problem near the popular Loading Chute restaurant. Fourth street is now being used as the restaurant parking lot. (See attached letter dated May 25, 2006 from Creston representative to SMAAC.)

13. Air quality impacts

Further, the issue of density located so far from services and jobs must consider the impacts of Vehicle Miles Traveled (VMT) and the effects on greenhouse gases. For many years into the future, it is unlikely that Creston will have any other form of transportation besides automobiles into and out of Creston. It is a 22 mile round trip to Atascadero and the nearest services.

In their March 7, 2005 memorandum, the APCD stated that they "are very concerned with the cumulative effects resulting from the ongoing fracturing of rural land and increasing residential development in areas far removed from commercial services and employment centers".

In a letter dated March 30, 2006 (copy attached) The State Attorney General commented on the Orange County Transportation Authority (OCTA) 2006 Long Range Transportation Plan Draft Program EIR (DPEIR):

The environmental analysis in the DPEIR fails to adequately analyze air quality impacts and makes no analysis at all of the impact of the Plan on climate change both in violation of the California Environmental Quality Act (CEQA), Pub Resources Code [Sections] 21000, et seq. {Page 1}

Climate change results from the accumulation in the atmosphere of "greenhouse gases" produced by the burning of fossil fuels for energy. Because greenhouse gasses...persist and mix in the atmosphere, emissions anywhere in the world impact climate everywhere. {Page 2}

...In the particular realm of vehicular travel and emissions from cars and truck, the California Legislature went on to recognize that "passenger cars and light duty trucks are responsible for 40% of the total greenhouse gas pollution in the State." {Page 3}

The comments from the AG go on to address the importance of considering cumulative impacts. Although the size and impacts of the project that prompted

PasoWatch to SRB re Holman project in Creston page 4

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the AG's comments are enormous by comparison, PasoWatch contends that the principles are still valid.

Although the Holman project is within a village reserve line, the only services available are a Post Office, a very small grocery/deli, and two eateries. The village of Creston already has a substantial number of small undeveloped residential parcels.

Attachments:

A. letter dated May 25, 2006 from Creston representative to SMAAC

B. letter dated March 30, 2006 from the State Attorney General regarding the Orange County Transportation Authority 2006 Long Range Transportation Plan Draft Program EIR

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Concerned Creston Citizens
Audrey Beatty, a Creston Representative to SMAAC
P.O. Box 467, Creston, CA 93432

May 25, 2006

San Luis Obispo County Subdivision Review Board
County Center
San Luis Obispo, California 93401

Honorable Chair and Board Members:

We are writing to you on the subject of the Holman (Anderson) project (CO05-0319 SUB2003-00307) currently under consideration in the village of Creston. Several citizens of Creston have expressed their concerns about how the public streets adjacent to this property, namely Cressey St. and 4th St., will be dealt with. I spoke before you at the SRB hearing held on April 3, 2006 on this subject. We are now submitting to you a letter expressing the facts as we see them and the actions we would like to see taken with regards to this discretionary project.

1. It is our understanding that property owners in the Village of Creston DO NOT own to the center of the streets. The applicant appears to be using the west half of Cressey St. in his calculations for determining his total lot size, thereby affecting the number of residences he can build (3.88 vs. 4.32 acres).
2. The streets are public property and the public has not relinquished their right to these streets.
- 3.. Cressey and 4th Streets have not been abandoned. (See attached letter re: Cressey St.) References to other abandoned streets in the staff report do not apply to this project.
- 4.. In order for the town to grow in an orderly fashion, streets should be preserved and left open for public use at their full width. All obstructions down the middle of Cressey and 4th Streets (fencing, etc.) must be removed.
- 5.. The emergency turnaround stipulated by CDF (July 21, 2004 letter from Chad Zrelak) in the staff report should be clearly identified on the project map.

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6.. Any paving of the streets should be down the mid-line of the street, again in order to preserve access and orderly future town growth and development. The portion of 4th Street in question, which is now within the Loading Chute parking lot (west of state Hwy 229), should be aligned with the existing section of 4th Street (east of Hwy 229).

7.. Parking is a serious issue not addressed in the staff report. As stated 4th Street is currently being used as the Loading Chute parking lot. Due to the popularity of the Loading Chute this lot is often full, with overflow parking along the shoulders of state Highway 229. Once reopened, it is reasonable to assume that the portion of Cressey Street adjacent to the proposed project would also be used for parking by Loading Chute customers, as well as for parking for the residents and visitors to the proposed subdivision. Therefore, these streets should be reopened at their full width to accommodate this parking need while still providing the access required by emergency vehicles.

Respectfully,

Concerned Citizens of Creston

Audrey Beatty, a Creston representative to SMAAC

Cc: County of San Luis Obispo

California Dept. of Transportation

Dept. of Public Works

James Kilmer, Associate Transportation Planner

Attn: Richard Marshal

San Luis Obispo County District 5, Development Rev

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BILL LOCKYER
Attorney General

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State of California
DEPARTMENT OF JUSTICE



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March 30, 2006

VIA OVERNIGHT MAIL AND U.S. MAIL

Glenn Campbell, Principal Transportation Analyst
Orange County Transportation Authority
550 South Main Street
P.O. Box 14184
Orange, CA 92863-1584

RE: Orange County Transportation Authority 2006 Long-Range Transportation Plan Draft
Program Environmental Impact Report

Dear Mr. Campbell:

The Attorney General of the State of California submits the following comments regarding the Orange County Transportation Authority ("OCTA") 2006 Long-Range Transportation Plan ("Plan") Draft Program Environmental Impact Report ("DPEIR"). The Attorney General provides these comments pursuant to his independent power and duty to protect the natural resources of the State from pollution, impairment, or destruction in furtherance of the public interest. (See Cal. Const., art. V, § 13; Cal. Gov. Code, §§ 12511, 12600-12; *D'Amico v. Board of Medical Examiners*, 11 Cal.3d 1, 14-15 (1974).) These comments are made on behalf of the Attorney General and not on behalf of any other California agency or office. While these comments focus on some of the primary issues raised by the Draft PEIR, they are not an exhaustive discussion of all issues.

I. Introduction

The Plan is described as being OCTA's "blueprint" for maintaining and improving Orange County's transportation network, including freeways, roadways and bus and rail systems through 2030. The Plan focuses much of its attention and planned spending on freeways and roadways, with a much smaller emphasis on public transit. Consequently, the Plan forecasts huge increases (approximately 45%) in vehicle miles traveled ("VMT") per day in the coming years. The environmental analysis in the DPEIR fails to adequately analyze air quality impacts and contains no analysis at all of the impact of the Plan on climate change, both in violation of the California Environmental Quality Act ("CEQA"), Pub. Resources Code §§ 21000, et seq. Orange County is one of the most populous counties in the State, in one of the worst air quality

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regions in the country. The environmental and public health concerns raised by the projected increases in vehicular travel under the proposed plan deserve, and CEQA requires, serious and thorough environmental analysis.

II. The DPEIR Should Discuss The Plan's Impact On Climate Change.

Despite the Plan's heavy reliance on vehicular travel and improvements to freeways, roads and streets, and the acknowledged increase in vehicle travel that the Plan will encourage, the DPEIR never analyzes one of the most important environmental impacts of vehicle emissions--greenhouse gases and resulting climate change

Climate change results from the accumulation in the atmosphere of "greenhouse gases" produced by the burning of fossil fuels for energy. Because greenhouse gases (primarily, carbon dioxide ("CO₂"), methane and nitrous oxide) persist and mix in the atmosphere, emissions anywhere in the world impact the climate everywhere. The impacts on climate change from greenhouse gas emissions have been extensively studied and documented. (See Oreskes, Naomi, *The Scientific Consensus on Climate Change*, 306 Science 1686 (Dec. 3, 2004) [review of 928 peer reviewed scientific papers concerning climate change published between 1993 and 2003, noting the scientific consensus on the reality of anthropogenic climate change]; J. Hansen, *et al.*, *Earth's Energy Imbalance: Confirmation and Implications*, Scienceexpress (April 28, 2004) (available at <http://pubs.giss.nasa.gov/abstracts/2005/HansenNazarenkoR.html>) [NASA and Department of Energy scientists state that emission of CO₂ and other heat-trapping gases have warmed the oceans and are leading to energy imbalance that is causing, and will continue to cause, significant warming, increasing the urgency of reducing CO₂ emissions].)

In California, the state government has acknowledged the true environmental impacts of greenhouse gas emissions on climate change. Governor Schwarzenegger, in his Executive Order S-3-05 issued on June 1, 2005, recognized the significance of the impacts of climate change on the State of California, noting that "California is particularly vulnerable to the impacts of climate change." The Order goes on to itemize a litany of the direct impacts that climate change and the increased temperatures resulting from the increased presence of greenhouse gases in the atmosphere, will have on the state:

- "[I]ncreased temperatures threaten to greatly reduce the Sierra snowpack, one of the State's primary sources of water;"
- "[I]ncreased temperatures also threaten to further exacerbate California's air quality problems and adversely impact human health by increasing heat stress and related deaths;"

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- “[R]ising sea levels threaten California’s 1,100 miles of valuable coastal real estate and natural habitats;” and
- “[T]he combined effects of an increase in temperatures and diminished water supply and quality threaten to alter micro-climates within the state, affect the abundance and distribution of pests and pathogens, and result in variations in crop quality and yield.”
Executive Order S-3-05, June 1, 2005.

The California legislature, also recognized all of these severe impacts resulting from climate change, as well as a “projected doubling of catastrophic wildfires due to faster and more intense burning associated with drying vegetation.” (Stats. 2002, ch, 200, Section 1, subd. (c)(4), enacting Health & Saf. Code § 43018.5) In the particular realm of vehicular travel and emissions from cars and truck, the California legislature went on to recognize that “passenger vehicles and light-duty trucks are responsible for *40 percent of the total greenhouse gas pollution in the state.*” (*Ibid.*, subd. (e)(emphasis added).)

Despite the increasing attention that governments, climate scientists, environmentalists, and other members of the public are rightfully directing to the issue of climate change, OCTA does not even mention the issue in its long term transportation plan, which is meant to cover the next quarter century. The DPEIR never once mentions carbon dioxide, climate change or global warming, and mentions greenhouse gases only by passing reference, when discussing other emissions, without explaining either the importance, or the projected impacts, of greenhouse gases.

Under CEQA, an environmental impact report must identify and focus on the “significant environmental effects” of a proposed project. (Pub. Res. Code § 21100(b)(1); Cal. Code Regs., Title 14, §§ 15126(a), 15126.2(a), 15143.) “‘Significant effect on the environment’ means a substantial, or potentially substantial, adverse change in the environment.” (Pub. Res. Code § 21068). CEQA also provides that the CEQA guidelines “shall” specify certain criteria that *require* a finding that a project may have a significant effect on the environment:

- “(1) A proposed project has the potential to degrade the quality of the environment, curtail the range of the environment, or to achieve short-term, to the disadvantage of long-term, environmental goals.
- (2) The possible effects of a project are individually limited but cumulatively considerable. As used in this paragraph, “cumulatively considerable” means that

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the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(3) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.”
(Pub. Res. Code § 21083(b).)

In other words, if these criteria are present with regard to a project's impacts on the environment, they must be considered in an EIR. The Plan under consideration in this DPEIR, with its projected 45% increase in vehicular miles traveled by the year 2030, when considered in light of the severe impacts cars and trucks have on the level of greenhouse gas emissions in this state, clearly “has the potential to degrade the environment.” (*See ibid.*, subd. (b)(1).) Moreover, the cumulative effects of this project on greenhouse gas emissions, when taken in consideration with the impacts statewide of increased population and vehicular travel over the next quarter century, are undeniable. (*See ibid.*, subd. (b)(2).) When considering the impacts of climate change on California, it is impossible to ignore that the impacts of this project will have either direct or indirect effects on human beings. (*See ibid.*, subd. (b)(3).) Given the scope of the Plan (both in years, and geographically), the projected increase in vehicle travel it calls for, and the fact that it covers one of the most heavily populated regions in the State, there is no question that the impacts of this Plan on greenhouse gas emissions and climate change may, and likely will, have significant cumulative environmental impacts for California. These impacts should have been considered and analyzed in the DPEIR.

There *could* be such analysis in the DPEIR; the data is obtainable. Carbon dioxide emissions from cars can be quantified. The California Air Resources Board has information that could be applied to the projected increase in VMT. The impacts could be assessed as to their cumulative impact on climate change, assuming (as is highly probable in this Plan) that there would be a considerable impact from the increase in CO₂ resulting from the increased VMT. (*See* Cal. Code Regs., title 14, § 15130(a) [“an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable.”] *See also* Cal. Code Regs., title 14, § 15065(a)(3) [“‘Cumulatively considerable’ means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects.”].)

Moreover, the Plan could include mitigation for these impacts. The Governor has recognized, “mitigation efforts will be necessary to reduce greenhouse gas emissions and adaptation efforts will be necessary to prepare Californians for the consequences of global warming.” (Executive Order S-3-05, June 1, 2005.) Increased public transportation, increased

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support of alternative fuels and technologies, the purchase of carbon offsets (or mitigation "credits"), installation of electric vehicle charging stations, and other affirmative steps to reduce the transportation impacts of CO₂ could be considered as potential mitigation projects. These are real, achievable and available mitigation measures that could be considered when OCTA recognizes its obligations to analyze greenhouse gas emissions and their impact on climate change as part of its long term transportation planning.

III. The DPEIR Does Not Adequately Discuss The Plan's Impact On Air Quality.

The DPEIR's discussion of air quality fails to address potentially serious impacts on Orange County and the South Coast air basin. In the DPEIR chapter on air quality the drafters concluded that there would be no significant unavoidable adverse long-term air quality impacts from the Plan (see DPEIR, 4.1-17 through 4.1-20), that the plan would have a neutral effect on air quality (see *id.*), and that the only potentially significant impacts relate solely to regional and local short term impacts from the construction of individual projects (e.g., construction of individual road widening, or lane building projects anticipated under the Plan). (See *id.* at 4.1-21 through 4.1-23)¹. The DPEIR bases these optimistic conclusions on a comparison of the future, year 2030, emissions under the Plan to the emissions budgets of the federally mandated, local Air Quality Management Plan (AQMP), prepared by the South Coast Air Quality Management District (SCAQMD) and projected for 2030. The DPEIR finds that the Plan's emissions are within the projected emissions for the AQMP in 2030, and thus there are no significant impacts. The fundamental basis on which all of the DPEIR's assumptions rests, however, is that by the year 2030, "better fuels" and "improved emission controls" will result in overall emission reductions from vehicles. (See DPEIR at 4.1-18.) There are a number of things wrong with this analysis.

First, the comparison fails to analyze all phases of this 24-year project. The CEQA Guidelines require that an EIR consider "all phases of a project when evaluating its impact on the environment." (Cal. Code Regs., title 14, §15126.) The huge emission reductions anticipated in the Plan by the year 2030 as an anticipated result of "better fuels" and "improved emission controls" will surely take some time. The DPEIR must look at the all phases of the 24-year project time frame, not just 2030, to discern if the project will have significant impacts on health and air quality. The DPEIR contains no analysis of whether the impacts on air quality in the "in between" years, before all of the "better fuels" and "improved emission controls" have been implemented, will be significant; there is no way to discern, from the information available in the DPEIR what the emissions during those years will be.

1. These impacts, according to the DPEIR, would be addressed through mitigation measures, but the mitigation measures include no monitoring requirements.

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Second, there is no detailed comparison of the project with the emissions budgets of the AQMP. The DPEIR states that "[c]umulative impacts were assessed by comparing projected vehicle emissions in 2030 to the emission budgets established in the local AQMP." (DPEIR at 4.1-16.) Nowhere in the document, however, is a detailed comparison shown to the public, nor is there any indication of how the project emission budgets compare year by year with the AQMP emission budgets. This failing is linked to the failure to consider "all phases" of the project, but displays as well the fundamental lack of detailed information in this DPEIR. The conclusory statement that "the impacts were assessed," without any backup, is not sufficient disclosure for the public to make its own evaluation, and, in fact, this lack of information precludes the informed decision making and public participation required by CEQA. (See Pub. Res. Code § 21061; Cal Code Regs, title 14, § 15121(a) [an EIR is an informational document which will inform public agency decision-makers and the public generally].) The purpose of an EIR, *inter alia*, is to provide public agencies and the public in general with detailed information about the effect of the proposed project on the environment. (Pub. Resources Code § 21061; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 391.) An EIR should, when viewed as a whole, provide a reasonable, good faith analysis of known environmental impacts. (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 749.)

Third, the air quality appendix does not contain any actual useful emissions data or modeling to allow the public to evaluate the accuracy or appropriateness of the model. Appendix B, Air Quality, contains only summary tables of the results of some computer modeling performed by OCTA for criteria pollutant emissions. The tables may represent various alternative scenarios (perhaps for the proposed Plan and for some plan alternatives; it is not clear), but there are no explanations of the assumptions and data (or "inputs") that went into the modeling program that produced these results. There is no explanation of what the various summaries (or "outputs") represent. Without an explanation of the data inputs for the modeling done to support the DPEIR, or an explanation of what the summaries show, it is impossible for the public or the public agency decision makers to make informed decisions. (See Pub. Res. Code § 21061.)

Fourth, the toxics analysis is inadequate. In its discussion of impacts on hydrology and water quality, the DPEIR acknowledges that there will be "new roadways in undeveloped areas" under the Plan. (DPEIR at 4.7-11.) In its discussion of toxic air contaminants, however, there is no discussion of the impacts of those "new roadways in undeveloped areas" which will expose new populations to both criteria and toxic pollutants. There should be a risk assessment in order to draw valid conclusions about public health, and such an assessment should be done for each phase of the project (just as with the overall air quality assessment). The DPEIR recognizes that diesel emissions are a known carcinogen, but limits its analysis of cancer risk from the project to

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construction emissions and to the expected situation in 2030. The DPEIR does not consider the cancer risks resulting from the operation of current and new roadways, expanded freeways, etc. In Health & Safety Code Section 39606(b), the Legislature recognized the special susceptibility of children and infants to air pollution, and the DPEIR itself recognizes that there are particularly sensitive receptors (DPEIR at 4.1-16), yet the DPEIR makes no effort to evaluate the project's effects on them.^{2/}

Fifth, where the DPEIR does provide some mitigation for the few significant air quality impacts it does recognize (related to construction), the document makes no assignments, not even tentatively, of responsibility for enforcing them through mitigation monitoring. The DPEIR recognizes only two categories of potentially significant impacts on air quality: Short-term (construction) regional impacts (from a number of construction-related activities and materials) and short-term localized impacts (from construction vehicles which are sources of carcinogenic pollutants and diesel exhaust). (See DPEIR at 4.1-21 through 4.1-23.) With regard to the construction impacts, the DPEIR acknowledges that "a large number of the projects in the [Plan] would involve extensive construction or reconstruction" and that it is "very likely" that some of the projects would be under construction at the same time. (DPEIR at 4.1-21.) Notwithstanding the acknowledged significant air quality impacts the construction activities are expected to produce, there are no monitoring requirements for the list of mitigation measures that the DPEIR says "should be considered" when EIR's are prepared for the individual projects. Likewise, there are no monitoring requirements incorporated in the mitigation measures to address the emissions from construction equipment. Moreover, Chapter 7, Mitigation Monitoring and Reporting Program, does not indicate any monitoring actions, or responsible implementation agencies for the proposed mitigation measures. (DPEIR at 7-1 through 7-34.)

OCTA is required to "provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements or other measures." (Pub. Res. Code § 21081.6(b).) The DPEIR should disclose and discuss such mitigation monitoring measures, or at least make tentative assignments of responsibility for enforcing them, so that the public can take these proposed measures into account.^{3/}

2. In addition to these failures to address toxic air contaminants, in the chapter on Hazardous Materials, the DPEIR does not examine the indirect effects of the 45 % increase in VMT, such as increased cancer risk from benzene and other petrochemical toxic emissions released from gas stations, increased refinery emission, and the like.

3. In addition, the Plan should contemplate, discuss and disclose whether funding for the mitigation measures it will require is or will be available.

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Finally, given the inadequacies and lack of detail in the air quality impacts analysis it is not appropriate for all future projects contemplated under this Plan to be able to “tier” off of a document as deficient as this DPEIR.⁴ The DPEIR states “[t]he lead agencies for individual projects may use this PEIR as the basis of their regional and cumulative analysis.” (DPEIR at 2-13.) The deficient analysis of the air quality impacts would make any meaningful project-level analysis of regional and cumulative of air quality impacts for an individual project nearly impossible. For example, it is possible that a project-level EIR could be prepared next year for a project such as a lane-addition to a freeway. Based on “tiering” from this DPEIR, the planners of such a project would have only the conclusory statements regarding air quality impacts in the year 2030 from this DPEIR upon which to base cumulative and regional impacts analyses in their EIR, whereas the new hypothetical freeway lane might be operational in 2009. There would be no analysis of the cumulative and regional impacts of that project for years 2009 through 2029. While this example pertains only to the air quality analysis, the other failings of the DPEIR discussed below also contribute to the inappropriateness of allowing future project level EIR’s to “tier” off of this deficient CEQA document.

IV. The DPEIR Contains Many Other Inadequacies.

In addition to the failure of the DPEIR to adequately address air quality, and to address greenhouse gas emissions impacts at all, the DPEIR is inadequate in a number of other areas.

A. The DPEIR Does Not Contain An Adequate Description of the Project

Chapter 2 of the DPEIR, is titled “Project Description” and it does contain a list of the projects that the Plan envisions. The description, however, is lacking. The list of projects contemplated under the plan includes one-line, bullet-point descriptions of various freeway and interchange improvements, lane additions and ramp construction projects that will make up the improvements to freeways under the Plan. (There are also one-line, bullet-point descriptions of the other planned projects.) Despite the fact that the primary focus of projects and spending under the Plan is on freeway construction projects, however, the Project Description does not contain any maps or visual drawings of the Plan’s contemplated improvements. It is very difficult to ascertain what the impacts on the ground will be from the brief descriptions of the planned projects. Guidelines indicating areas of disturbance, or footprints, for planned projects

4. “‘Tiering’ or ‘tier’ means the coverage of general matters and environmental effects in an [EIR] prepared for a policy, plan, program or ordinance followed by narrower or site-specific [EIRs] which incorporate by reference the discussion in any prior EIR . . .” (Pub. Res. Code §§ 21068.5.)

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should be included. From the descriptions in the DPEIR, an understanding of the true impact of the Plan is not possible.

The public should be able to understand from the DPEIR what implementation of the Plan will mean to their communities and their surroundings in physical terms. "Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles*, (1977) 71 Cal.App.3d 185, 192-193.

B. The DPEIR Does Not Contain An Adequate Analysis of Alternatives.

The alternatives considered in the DPEIR consist entirely of plans that envision varying degrees of funding, as opposed to plans that envision alternative mixes of various transportation improvements or projects. The four alternatives to the Proposed Plan are:

- (i) the No Project (Baseline) Alternative, which "includes projects and programs that have secured funding, have been assessed for their environmental impacts, and have been approved to be implemented" (a small sub-set of the projects in the Proposed Plan) (DPEIR at 5-4,);
- (ii) the Constrained Alternative, which is "a set of projects and services that can be completed within the County's traditional revenue sources for transportation improvements" (a sub-set, larger than the No Project Alternative sub-set, of the same projects that are included in the Proposed Plan) (DPEIR at 5-11, 5-17);
- (iii) the Balanced II Alternative, which "includes all of the projects from the Proposed Plan with the exception of the High Occupancy Toll (HOT) projects proposed along [SR 91, including the direct connectors between SR-241 and the SR-91 toll lanes" (DPEIR at 5-29); and
- (iv) the "Unconstrained" Alternative, which "includes projects and services that could be implemented . . . if funding was not an issue." (DPEIR at 5-43.)

It is clear from the alternatives considered that the planners looked only at alternative levels of funding that would allow variable numbers of projects off a master-list of desired projects, and not at alternatives designed to provide alternative levels of environmental impact,

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or a different master-list of projects. For example, nowhere does the DPEIR consider a potential alternative that changes the balance of spending to focus more on improvements to mass transit services rather than on improvements to freeways and roadways. The decision to focus so much attention on freeway upgrades was pre-determined by the planners' view that the only solution to increased congestion is to build more freeways. The planners exhibit this view when they explain that "the projections for 2030 indicate that vehicle miles will increase faster than population and employment, mostly due to longer trips or commutes. In short, freeway capacity must grow to meet future freeway travel demand." (DPEIR at 2-5) This conclusion ignores the obvious alternative viewpoint: some of the increased travel demand might be more properly diverted to mass transit solutions, as opposed to simply concluding that increased freeway capacity is the only solution. Based on a review of the Plan "objectives" to increase mobility, protect transportation resources and enhance the quality of life (see DPEIR at 2-3), other types of alternatives – alternatives that examine variable mixes of modes of transportation as opposed to just variable mixes of dollars – that still met the objectives of planners could have been considered.

Given that the impacts on the environment from the proposed Plan are projected to be significant, such alternatives should have been considered. One of the purposes of the discussion of alternatives in an EIR is to diminish or avoid adverse environmental effects. (*See Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 403 [discussion of only three alternatives, where planners claimed they had already ruled out other alternatives as infeasible, was inadequate]; Pub. Res. Code § 21002 [EIR should consider alternatives which would substantially lessen the significant environmental effects].)

C. The DPEIR Does Not Contain Adequate Discussion of Biological Resource Impacts.

The DPEIR does not quantify the biological resource impacts that it recognizes will be more significant under the proposed Plan than under the No Project alternative. (See DPEIR at 5-6 through 5-7.) Additional detail on the magnitude of direct impacts of the project must be provided for the Proposed Project and all project alternatives. All of the proposed alternatives and the proposed Plan contain lists of the projects they include. The Program EIR should make an attempt to quantify the impacts. Instead, the DPEIR puts off the analysis of the biological resource impacts of all the projects until the EIR for the individual project is prepared. (*See* DPEIR at 4.2-22.) It is impossible to analyze the difference between alternatives on this subject, when the impacts have not been described.

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D. The Plan And DPEIR Should Include Plans For Improving Air Quality And Reducing Greenhouse Gas Emissions In Its Discussion Of "Environmental Programs."

The only "environmental program" contemplated under the Plan is a program for augmenting urban runoff treatment and mitigation to create a "coordinated high-quality urban runoff program." (DPEIR at 2-11.) As discussed in detail above, the impacts of the Plan on greenhouse gas emissions and the cumulative impacts of those emissions on climate change, warrant close examination in this DPEIR. Likewise, a plan like this one which places so much of its emphasis for transportation planning and spending on automobile and truck travel versus mass transit will likely result in greater emissions of criteria pollutants and toxic air contaminants than would an alternative that focuses on improving mass transit and *reducing* vehicular miles traveled. Given these considerations, the state of air quality in the South Coast air basin and the severe impacts climate change can inflict on the citizens of Orange County, it would be a responsible and reasonable planning measure to include some "environmental program" aimed at reducing the air quality and climate impacts of the proposed Plan. As mentioned in above, there are some easily implemented steps that might be considered, such as the purchase of mitigation credits. There are also programs that might encourage greater use of alternative technologies and fuels (e.g., electric and hybrid vehicles) or that might add incentives for increased use of public transit (enhanced employer managed discount programs that reward use of transit when compared with parking costs) that could be explored. This long term plan is an opportunity for OCTA to take a truly "visionary" role in shaping the transportation *and* environmental landscape of Orange County for the next quarter century. We hope that the opportunity will not be missed.

V. Conclusion

If you or your staff have questions regarding these comments, please contact me at 213-897-0628.

Sincerely,


KATHRYN W. EGOLF
Deputy Attorney General

For BILL LOCKYER
Attorney General

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bcc: Theodora Berger
Mary Hackenbracht
Ken Alex
Susan Durbin
Ellen Peter

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